Also under the bill, the following moneys that are received by DOA are transferred to DPI for the following purposes: 1) $579,000 for upgrading the Wisconsin Informational Network for School Success; 2) $77,800 for upgrading the state school finance information system; 3) $526,000 for completing a network upgrade and upgrading and replacing assistive technology devices and related software programs for the Wisconsin Center for the Blind and Visually Impaired; 4) $161,600 for replacing the automated system at the Wisconsin Regional Library for the Blind and Physically Handicapped; and 5) $500,000 for awarding a grant to the National Geographical Society Education Foundation for establishing a program for awarding grants and supporting programs for improving geographical education in the state, with an emphasis on student use of geographic information systems technology. The transfer of $500,000 for awarding the grant to the National Geographical Society Education Foundation is contingent on that foundation's contribution of $500,000 in matching funds for the program that is established.

The bill also provides that $1,500,000 of the moneys received by DOA is transferred to the department of commerce to award grants, no later than June 30, 2003, to the UW–Milwaukee, the UW–Parkside, Marquette University, the Milwaukee School of Engineering, and the Medical College of Wisconsin. The grants must be used for research related to emerging technologies that promote industrial and economic development in southeastern Wisconsin. The department of commerce and a grant recipient must enter into an agreement that specifies reporting and auditing requirements for the grant.

In addition, the bill provides that $168,300 of the moneys received by DOA is transferred to HEAB for upgrading technology at the board.

EMPLOYMENT

Under the Municipal Employment Relations Act (MERA), the selection of any group health care benefits provider for municipal employees, including school district employees, is treated as a mandatory subject of collective bargaining if the selection of the provider primarily relates to the wages, hours, and working conditions of the employees. This bill provides that the selection of any group health care benefits provider for school district professional employees is treated as a permissive subject of collective bargaining under MERA (which means that the employer is not required to bargain with respect to the subject) if the provider offers health care benefits coverage that is substantially similar to that offered by other providers in bids submitted to school districts. Under the bill, OCI must promulgate rules that set out a standardized summary of health care benefits for use in determining whether coverage offered by different providers that submit bids to school districts is substantially similar.

Under MERA, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin employment relations commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and

conditions of employment. If WERC determines that an impasse exists and that arbitration is required, WERC must submit to the parties a list of seven arbitrators, from which the parties alternately strike names until one arbitrator is left. As an alternative to a single arbitrator, WERC may provide for an arbitration panel that consists of one person selected by each party and one person selected by WERC. As a further alternative, WERC may also provide a process that allows for a random selection of a single arbitrator from a list of seven names submitted by WERC. Under current law, an arbitrator or arbitration panel must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

This process, however, does not apply to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employes if WERC determines that the employer has submitted a qualified economic offer (QEO). Under current law, a QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and to maintain all of the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1% of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus any fringe benefit savings. This bill provides that a QEO need only provide substantially similar health care benefits, not all of the health care benefits.

Under current law, an arbitrator is appointed to resolve any collective bargaining dispute between the city of Milwaukee and the members of the city's police department when the parties have reached an impasse on matters relating to wages, hours, and conditions of employment, as determined by WERC. This bill authorizes an arbitrator to establish a system for conducting interrogations of members of the police department that is limited to the hours between 7 a.m. and 5 p.m. on working days, if the interrogations could lead to disciplinary action, demotion, or dismissal. Under the bill, "working days" are all days except Saturday, Sunday, and certain legal holidays.

Under current law, the national and community service board, which is attached to DOA for administrative purposes, administers at the state level the federal National and Community Service Trust Act of 1993, under which the federal government provides funding for national service programs that address unmet human, educational, environmental, and public safety needs and for educational grants to persons who successfully complete their term of service in a national service program. This bill transfers that board to DWD.

Under current law, the Wisconsin conservation corps (WCC) employs young adults to work on conservation and human services activities. The WCC program is administered by the WCC board, which may delegate its administration responsibilities to the executive secretary of the board. This bill eliminates the WCC board and the position of executive secretary of the board and transfers

administration of the WCC program to DWD. The bill also creates a WCC council to advise DWD in developing guidelines, standards, and procedures for the administration of the WCC program, including guidelines for selecting WCC projects and standards and procedures for the selection, hiring, promotion, discipline, and termination of WCC enrollees.

The bill also requires DWD to work with a nonprofit corporation that provides education, employment skills, and career direction leading to economic self–sufficiency to young people in Dane County who are at risk of not achieving economic self–sufficiency to develop a plan to track the educational attainment of persons enrolled in the WCC program, consolidate the functions of the WCC program, add educational and training components to the WCC program, provide a method for determining the location and number of crews working on WCC projects, and improve the retention of persons enrolled in the WCC program.

Under current law, a WCC enrollee who is employed for a continuous six–month period and who receives a satisfactory evaluation is entitled to an education voucher that the enrollee may use, for three years after its issuance, to pay tuition and fees at an institution of higher education. A WCC enrollee who has been a crew leader or a regional crew leader for at least two years is also entitled to group health care coverage. This bill permits a WCC enrollee to use an education voucher for four years after its issuance. The bill also lowers to six months the period for which a WCC enrollee must have been a crew leader or a regional crew leader to be eligible for group health care coverage.

Under current law, DWD may fix and collect a reasonable fee for issuing child labor permits, street trade permits, and certificates of age for minors. DWD has fixed that fee by rule at $5, 50% of which may be retained by a permit officer who is not employed by DWD and 50% of which must be forwarded by such a permit officer to DWD. This bill increases that fee to $7.50 and requires a permit officer who is not employed by DWD to forward $5 of that fee, and a permit officer who is employed by DWD to forward the entire fee, to DWD. Of each fee collected, $2.50 is used to pay for the expenses of providing an automated child labor permit system and for other operational expenses of the division of equal rights in DWD.

Under current law, the governor's work–based learning board (board) is required to administer the Youth Apprenticeship Program, under which training grants are awarded to employers that provide paid on–the–job training and supervision for youth apprentices. This bill limits eligibility for a youth apprenticeship training grant to small employers, as determined by the board, and to employers providing on–the–job training in employment areas determined by the board.

Under current law, DWD provides a job center network through which job seekers may receive comprehensive career planning, job placement, and job training information. As part of the job center network, DWD provides career counseling

centers at which youths may receive access to comprehensive career education and job training information and assistance in locating apprenticeship and other work experience opportunities that are related to the youth's education. This bill transfers responsibility for providing career counseling centers from DWD to the board.

Under current law, there is a division of workforce excellence in DWD, and the administrator of that division is a member of the board. This bill eliminates that division and substitutes as a member of the board an administrator of a division in DWD, designated by the governor.

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Local governmental units and contaminated property

Current law authorizes a local governmental unit that owns property that is contaminated with hazardous substances to initiate a process for negotiating about how the contamination will be remedied and how much the various parties that are responsible for the contamination will contribute toward the investigation and remedial action costs. The negotiations are presided over by an umpire. If an agreement is reached, it is binding on the parties. If an agreement is not reached, the umpire makes a recommendation that may be accepted or rejected by the parties. If the local governmental unit accepts the recommendation and another party rejects the recommendation, the local governmental unit may sue that party to attempt to recover a portion of the investigation and clean–up costs. If the local governmental unit recovers an amount equal to or exceeding the amount that the party would have paid under the umpire's recommendation, the local governmental unit may recover interest and litigation costs.

This bill expands the applicability of the cost–recovery process so that it may be used by a local governmental unit that does not own a contaminated property if the local governmental unit is responsible for some of the contamination at the site or facility and commits itself to paying more than 50% of the investigation and remedial action costs, less any financial assistance received from this state. Under the bill, DNR determines how the contamination will be remedied after considering a proposal from the local governmental unit, and the negotiations relate only to the amount that each responsible party will contribute toward the investigation and clean–up costs. Under the bill, if a person who transported hazardous substances to a contaminated property cooperates in providing information about the transport and disposal of waste at the property, the amount of clean–up costs allocated to the transporter are limited. If a transporter fails to cooperate, the amount of costs allocated to the transporter may be increased.

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Current law generally exempts a local governmental unit from these clean–up requirements with respect to hazardous

substance discharges on property acquired in specified ways, such as through tax delinquency proceedings and condemnation.

This bill provides that a local governmental unit is exempt from solid waste management standards and other legal requirements relating to solid waste with respect to a property that was acquired in a way that would qualify for the exemption from clean–up requirements, except that the exemption from solid waste requirements does not apply to a solid waste facility that was owned by the local governmental unit while it was operated or to landfills.

Under current law, if a person does not pay the tax that is due on the person's real property before September 1, the county treasurer must issue a tax certificate to the county that relates to the property. The issuance of a tax certificate begins the redemption period during which the person may retain the person's property by paying the delinquent taxes. In most cases, the redemption period is two years. If the property owner does not pay the delinquent taxes before the redemption period expires, the county may acquire the property by taking a tax deed on the property, by commencing an action to foreclose the tax certificate, or by commencing an action to foreclose a tax lien on the property.

Under this bill, after the redemption period on tax delinquent property expires, the county may transfer the property to a person by executing a tax deed to that person, if the county provides written notice of the transfer to the municipality in which the property is located at least 15 days before the governing body of the county meets to consider approving executing the tax deed; the property is a brownfield; an environmental assessment has been conducted on the property and DNR is given the results of that assessment; and, if the property is contaminated by a hazardous substance, the person to whom the tax deed is executed agrees to investigate, clean up, maintain, and monitor the property according to rules that are promulgated by DNR.

Under current law, a county may sell any tax delinquent property it acquires by using a competitive bidding process by which the county accepts the best bid, but rejects any bid that is less than the property's appraised value. Under this bill, a county that acquires tax delinquent property may sell the property without using a competitive bidding process, if the county provides written notice of the sale to the municipality in which the property is located at least 15 days before the sale; the property is contaminated by a hazardous substance; the property is a brownfield; an environmental assessment has been conducted on the property and DNR is given the results of that assessment; and the purchaser of the property agrees to investigate, clean up, maintain, and monitor the property according to rules that are promulgated by DNR.

Liability exemptions

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful

effects of the discharge on the environment. Under current law, a person is exempt from the requirements to restore the environment and minimize the effects of the discharge of a hazardous substance on the environment with respect to the existence of a hazardous substance in soil on property possessed or controlled by the person if the discharge originated from a source off of the property and other specified conditions are satisfied. This bill specifies that the liability exemption for soil contamination that originates off of a property applies to hazardous substances in sediments on the property.

Under current law, a person who applies to DNR for an exemption from liability for hazardous substance discharges (a voluntary party) is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharge, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted, the property is cleaned up, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, and the voluntary party maintains and monitors the property as required by DNR. This exemption applies if later changes to the law would impose greater responsibilities on the voluntary party or if it is discovered that the cleanup failed to fully restore the environment or to minimize the harmful effects of the discharge.

This bill modifies the voluntary party liability exemption so that the requirement to maintain and monitor the property as required by DNR only applies to a voluntary party while the voluntary party owns or controls the property. The bill specifies that the voluntary party liability exemption continues to apply to a voluntary party who does not own or control the property if the person who owns or controls the property fails to maintain and monitor the property as required by DNR.

Under current law, for a property affected by an off–site discharge that has contaminated the groundwater and by discharges of other hazardous substances, a voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of the discharges, and from the requirements of other laws relating to hazardous substances, if an environmental investigation of the property is conducted; the property is cleaned up, except with respect to the discharge that originated off–site; DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge, except with respect to the discharge that originated off–site; DNR determines in writing that the voluntary party qualifies for the off–site exemption; and the voluntary party maintains and monitors the property as required by DNR. This bill expands the voluntary party exemption from liability related to groundwater contamination from an off–site discharge so that it also applies to property on which the *soil* is contaminated by an off–site discharge.

Under current law, a voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of a discharge, and from the requirements of other laws relating to hazardous substances, if an

environmental investigation of the property is conducted, the property is cleaned up, except with respect to a substance in groundwater that DNR determines will naturally attenuate, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge except with respect to the substance that DNR has determined will naturally attenuate, the voluntary party maintains and monitors the property as required by DNR, and, if required by DNR, the voluntary party obtains insurance to cover the costs of cleanup if natural attenuation fails.

This bill provides that to qualify for the liability exemption for property on which DNR determines that natural attenuation will successfully complete the cleanup, a voluntary party who owns the property must provide access to the property for the purpose of determining whether natural attenuation has failed and, if so, to allow someone else clean up the property.

Under current law, a voluntary party is exempt from liability with respect to the existence of a hazardous substance on property if the hazardous substance is discovered in the course of a cleanup and if the voluntary party has obtained insurance to cover the costs of cleaning up hazardous substances discovered in the course of the cleanup. This bill eliminates this exemption from liability.

Petroleum storage remedial action

Under current law, the department of commerce administers a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program is commonly known as PECFA. This bill makes several changes in the laws related to PECFA.

Under current law, this state issues revenue bonds to fund a portion of the PECFA costs. This bill increases the PECFA revenue bonding limit by $100,000,000.

Under current law, PECFA provides reimbursement for some interest costs incurred by applicants. Under this bill, with specified exceptions, if an applicant submits the final PECFA claim later than the 60th day after completing all clean–up activities, the applicant is ineligible for reimbursement for interest costs incurred after that day; if clean–up activities are not completed within ten years after the investigation of the discharge was completed, the applicant is ineligible for reimbursement for interest costs incurred after that ten–year period; and if an investigation was completed more than five years after the applicant notified the department of commerce about the discharge or more than two years after this bill becomes law, whichever is later, the applicant is ineligible for reimbursement for interest costs incurred after the later of those periods. These provisions limiting interest cost reimbursement do not apply to applicants who receive federal or state financial assistance, other than under PECFA, and who are either local governmental units or engaged in brownfields redevelopment.

Under current law, DNR oversees the cleanup of high–risk sites under PECFA, and the department of commerce oversees the cleanup of other sites. Under this bill, a high–cost site is a site at which more than $200,000 in eligible costs under PECFA have been incurred. Under the bill, the department of commerce oversees the

cleanup of a site that becomes a high–cost site after November 30, 2001, once more than $400,000 in eligible costs under PECFA have been incurred or more than seven years have elapsed since the investigation of the discharge was completed. The bill imposes requirements on DNR and the department of commerce to oversee cleanups so that clean–up activities are completed at high–cost sites within specified periods.

Under current law, farm petroleum product storage tanks of 1,100 gallons or less capacity are covered under PECFA only if the owner of the tank owns at least 35 acres of land devoted primarily to agricultural use that produced gross farm profits of at least $6,000 in the year before the owner applies for PECFA reimbursement, or gross farm profits of at least $18,000 during the three years before application.

This bill expands PECFA coverage of farm tanks so that a farm tank owner who formerly owned at least 35 acres of land devoted primarily to agricultural use is eligible if the owner submits a PECFA claim within one year after he or she transferred ownership of the land and if the land produced gross farm profits of at least $6,000 in the year before the owner transferred ownership of the land, or gross farm profits of at least $18,000 during the three years before the owner transferred ownership of the land. The bill also provides that a farm tank owner is eligible for PECFA coverage only if the farm tank is located on the parcel of land that meets the gross profits test.

Other hazardous substances and environmental cleanup

Under current law, DNR administers the Brownfield Site Assessment Grant Program, under which DNR awards grants to local governmental units for such activities as investigating environmental contamination, asbestos abatement activities, and removing abandoned underground storage tanks. This bill transfers the Brownfield Site Assessment Grant Program to the department of commerce.

Under current law, DNR administers the Sustainable Urban Development Zone Program. Under the program, DNR provides funds to the city of Beloit, the city of Green Bay, the city of La Crosse, the city of Milwaukee, and the city of Oshkosh to investigate environmental contamination and to conduct cleanups of brownfields in those cities. This bill eliminates the Sustainable Urban Development Zone Program.

Current law authorizes the issuance of general obligation bonds to pay for actions taken to clean up the environment under specified programs administered by DNR. This bill increases the general obligation bonding authority for these clean up programs by $5,000,000. Of this amount, $2,000,000 is allocated for cleanups in or adjacent to the Great Lakes or their tributaries.

Under the Land Recycling Loan Program, this state provides loans to cities, villages, towns, and counties (political subdivisions) for projects to remedy environmental contamination at sites where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are

subsidized, so that recipients are not required to pay interest. Each biennial budget act establishes the present value of the subsidies that may be provided under the Land Recycling Loan Program during that biennium. This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2001–03 biennium at $9,110,000.

Under current law, DNR administers the Dry Cleaner Environmental Response Program (DERP), under which DNR reimburses a portion of the costs of responding to discharges of dry cleaning solvents from dry cleaning facilities. DERP is funded by dry cleaning license and solvent fees paid by owners and operators of dry cleaning facilities. Under this bill, DNR provides reimbursement for the costs of responding to discharges of other kinds of dry cleaning products, in addition to solvents.

Under current law, the deductible under DERP generally ranges from $10,000 to $76,000, depending on the amount of eligible costs. However, for a dry cleaning facility that has closed before the owner or operator applies under DERP, the deductible is increased. This bill eliminates the higher deductible for closed dry cleaning facilities.

Currently under DERP, the owner or operator of a dry cleaning facility on which construction began after October 4, 1997, is required to have implemented five specified pollution prevention measures. This requirement does not generally apply to older dry cleaning facilities. Under this bill, beginning one year after this bill takes effect, all dry cleaning facilities must have implemented three of the pollution prevention requirements in order to be eligible under DERP.

Current law authorizes DNR to cooperate with the federal environmental protection agency (EPA) in implementing the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act), which provides for the clean up of contaminated property. This bill authorizes DNR to accept the transfer of an interest in property that was acquired by EPA as part of a CERCLA cleanup. The bill also authorizes DNR to acquire an interest in property from any person as part of a cleanup conducted in cooperation with EPA if the acquisition is necessary to conduct the cleanup.

WATER QUALITY

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. Financial assistance is typically provided in the form of a loan at a subsidized interest rate. Each biennial budget act establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that biennium. This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2001–03 biennium at $90,000,000. The bill increases the general obligation bonding authority for the Clean Water Fund Program by $65,000,000 when the bill is enacted and an additional $20,000,000 on July 1, 2003.

The bill also increases the revenue bonding authority for the Clean Water Fund Program by $92,000,000.

Generally, under the Clean Water Fund Program, funds are allocated to a project as soon as the project is approved. However, if the amount of present value subsidy, general obligation bonding authority, or revenue bonding authority available for a biennium is 85% or less of the amount requested in a biennial finance plan prepared by DOA and DNR, funding is allocated on the basis of a priority list and funding may be provided in a fiscal year only to projects for which an application is submitted by the June 30 preceding that fiscal year. This bill reduces the threshold for allocating funds based on a priority list from 85% to 75%.

Under current law, a collection system or interceptor in an unsewered area is eligible for subsidized financial assistance under the Clean Water Fund Program only if at least two–thirds of the initial flow will be for wastewater originating from residences in existence on October 17, 1972. This bill eliminates the reference to October 17, 1972, and provides that a collection system or interceptor in an unsewered area is eligible for subsidized financial assistance under the Clean Water Fund Program only if at least two–thirds of the initial flow will be for wastewater originating from residences in existence on the date that is ten years before the day that DNR approves the facility plan for the project.

Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. The loans are provided at subsidized interest rates. Each biennial budget act establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2001–03 biennium at $10,900,000.

Current law requires permits from DNR for certain storm water discharges, including discharges of storm water from a municipal storm sewer system serving an incorporated area with a population of 100,000 or more.

This bill requires permits for additional municipal storm sewer systems, as now required by federal law. Under the bill, the operator of a municipal storm sewer system must obtain a permit if one of the following applies:

1. The system serves an urbanized area, as determined by the U.S. bureau of the census.

2. The system serves an area with a population of 10,000 or more and a population density of 1,000 or more per square mile and DNR requires the operator to obtain a permit based on an evaluation of the system's impact on water quality.

3. DNR requires the operator to obtain a permit because the system contributes pollutants to an interconnected system that is required to obtain a permit.

Under current law, DNR, in conjunction with DATCP and local governmental units, administers a program to provide financial assistance for measures to reduce

water pollution from nonpoint (diffuse) sources. This bill increases the general obligation bonding authority for the Nonpoint Source Program by $22,400,000.

Under the Nonpoint Source Program, a number of watersheds and lake areas were selected for priority watershed and priority lake projects. Under current law, no new priority watersheds or priority lakes may be selected. The bill prohibits DNR from extending funding for a priority watershed or priority lake project beyond the funding termination date that was in effect on January 1, 2001, or, if no funding termination date was in effect on January 1, 2001, beyond the funding termination date first established after January 1, 2001.

Under the Nonpoint Source Program, local governmental units annually apply for cost–sharing grants from DNR for new nonpoint source projects. A project is eligible for funding only if it is in a target area. An area may be a target area based on several criteria, including the need for compliance with performance standards established by DNR for nonpoint sources that are not agricultural. A project qualifies for funding only if it cannot be conducted with funding provided by DATCP under the Soil and Water Resource Management Program.

This bill adds that an area may be a target area under the Nonpoint Source Program based on the need for compliance with performance standards established by DNR for nonpoint sources that are agricultural. The bill also provides that a project qualifies for funding if DNR, in consultation with DATCP, determines that funding under the Soil and Water Resource Management Program is insufficient to fund the project.

Under current law, DNR administers the Municipal Flood Control and Riparian Restoration Program, under which DNR awards grants that pay a portion of the costs of facilities and structures for the collection and transmission of storm water and of the purchase of flowage and conservation easements on lands within floodways. DNR also administers the Urban Nonpoint Source Water Pollution Abatement and Storm Water Management Program, under which DNR awards grants for projects that manage urban storm water and runoff from urban areas to minimize flooding and protect groundwater. This bill increases the general obligation bonding authority for the two programs by $11,000,000.

VOLUNTARY ENVIRONMENTAL IMPROVEMENT

This bill creates the Green Tier Program, administered by DNR. The program is designed to improve the environmental performance of public and private entities through the provision of incentives. There are three tiers in the Green Tier Program. A participant may participate in more than one tier.

A public or private entity that is subject to environmental laws (regulated entity) may participate in tier I of the Green Tier Program. To participate, a regulated entity must conduct an environmental performance evaluation or have an environmental management system. An environmental performance evaluation is a systematic review of the effects of a facility on the environment, including an

evaluation of compliance with one or more environmental laws. An environmental management system is a set of procedures designed to evaluate the effects of a facility on the environment and to achieve improvements in those effects.

To participate in tier I, the regulated entity must submit a report to DNR describing the results of the environmental performance evaluation or describing findings from the environmental management system. At the time of submitting the report, more than two years must have elapsed since the regulated entity was prosecuted or issued a citation for violating an environmental law. The report must describe any violations of environmental laws revealed by the environmental performance evaluation or environmental management system and the actions taken or proposed to be taken to correct the violations. If the regulated entity proposes to take more than 90 days to correct the violations, the regulated entity must submit a proposed compliance schedule.

The bill generally prohibits this state from bringing an action to collect a forfeiture (a civil monetary penalty) for a violation of an environmental law that is disclosed by a regulated entity that satisfies the requirements for participation in tier I of the Green Tier Program if the regulated entity corrects the violation within the 90–day period or within the time provided in a compliance schedule that was approved by DNR. The bill authorizes this state to begin an action to collect forfeitures from a regulated entity that satisfies the requirements for participation in tier I of the Green Tier Program at any time under several circumstances, including cases in which a violation presents an imminent threat or may cause serious harm to public health or the environment or in which DNR discovers the violation before the regulated entity reports the violation.

An entity or a group of entities may participate in tier II of the Green Tier Program. If a group applies, all of the requirements for participation apply to all of the members of the group.

At the time of application for tier II, more than five years must have elapsed since the applicant was convicted of a criminal violation of an environmental law that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment; more than three years must have elapsed since a civil judgment was entered against the applicant for a violation of an environmental law that resulted in substantial harm to public health or the environment; and more than two years must have elapsed since the applicant was prosecuted or issued a citation for violating an environmental law.

To participate in tier II, an applicant must also have implemented or must commit itself to implementing an environmental management system. The applicant must specify objectives for improving its environmental performance or for voluntarily restoring, enhancing, or preserving natural resources. The applicant must also commit itself to conducting annual audits of its environmental management system and to submitting reports to DNR on those audits.

The bill requires DNR to provide public recognition to an entity that participates in tier II of the Green Tier Program. The bill also requires DNR to assign one of its employees to serve as the contact with DNR for a participant in tier II for all licenses and permits that the participant must obtain from DNR. After a

participant in tier II implements an environmental management system, DNR must conduct inspections of the participant's facilities that are covered under green tier at the lowest frequency that is permitted under DNR's rules.

An entity or a group of entities may participate in tier III of the Green Tier Program. If a group applies, all of the requirements for participation apply to all of the members of the group. A participant in tier III enters into a green tier contract with DNR. The contract specifies the participant's commitments and the incentives that will be provided to the participant.

At the time of application for tier III, more than ten years must have elapsed since the applicant was convicted of a criminal violation of an environmental law that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment; more than five years must have elapsed since a civil judgment was entered against the applicant for a violation of an environmental law that resulted in substantial harm to public health or the environment; and more than two years must have elapsed since the applicant was prosecuted or issued a citation for violating an environmental law.

To participate in tier III, an applicant must have implemented an environmental management system. The applicant must commit itself to having an outside auditor conduct annual audits of the environmental management system and to submitting reports on those audits to DNR. The applicant must also commit itself to annually conducting audits of its compliance with environmental laws and to submitting the results of those audits to DNR.

Finally, to participate in tier III, an applicant must demonstrate that it has a record of superior environmental performance and describe the measures that it proposes to take to maintain and improve its superior environmental performance. "Superior environmental performance" means that an entity minimizes the negative effects of its pollutants on the environment or human health to an extent that is greater than is required by law or that an entity voluntarily engages in restoring, enhancing, or preserving natural resources.

If DNR determines that an applicant qualifies for participation in tier III, DNR may enter into negotiations with the applicant about a green tier contract. DNR may permit interested third parties to participate in the negotiations. If the parties reach an agreement, they may enter into a green tier contract with a term of not more than five years, subject to renewal for terms of not more than five years each. The bill authorizes DNR to promulgate rules specifying incentives that may be provided to participants in tier III.

The bill establishes a grant program under which the department of commerce makes grants to nongovernmental organizations to help those organizations develop the capacity to participate as interested third parties in the Green Tier Program and makes grants to assist in the development of environmental management systems.

OTHER ENVIRONMENT

Under current law, a registrant is required to pay an environmental impact fee of $6 upon registering a new motor vehicle with DOT or upon applying for a new certificate of title following a transfer of a vehicle. The environmental impact fees

are credited to the environmental fund and are earmarked for environmental management activities. Currently, the law requiring a registrant to pay an environmental impact fee expires on June 30, 2001. This bill extends that expiration date to September 30, 2003.

Under current law, DNR may characterize a solid waste as a special waste available for beneficial use in a public works project and must maintain a public list of those special wastes. Currently, a contracting agency in a public works project may require the use of those special wastes in a public works project. Current law grants immunity from liability to any person who used those special wastes in a public works project if that use occurred while performing work under the contract for the public works project, the contract permitted or required the use of those special wastes, and the use conformed to the contract provisions. Current law makes the immunity inapplicable to reckless, wanton, or intentional misconduct or if death or injury of an individual resulted from the use. Under current law, DNR may grant a research waiver or an exemption from the requirements regarding the disposal or recycling of high–volume industrial wastes and certain other solid wastes.

Under this bill, solid wastes that DNR has exempted from the disposal requirement are considered special wastes and DNR may characterize them as suitable for use in public works projects. The bill requires DNR to maintain a list of special wastes that are suitable for use in specified types of public works projects. Under the bill, the current provisions regarding liability apply to the use of those listed special wastes in public works projects if the conditions established for their use are met.

Current law generally requires a person to obtain a construction permit from DNR before beginning construction of a stationary source of air pollution. This bill authorizes DNR to issue a general construction permit, which may cover numerous similar stationary sources of air pollution.

Under current law, the owner or operator of a stationary source of air pollution who must obtain an air pollution control permit from DNR is required to pay an annual fee to DNR. The amount of the fee is required to be based, among other things, on actual emissions of pollutants from the source in the preceding five years, using a five–year rolling average. Under this bill, the fee must be based on actual emissions of pollutants from the source in the preceding year, rather than the preceding five years.

This bill requires DNR to award grants to assist local governmental units to establish regional recycling programs.

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

Under current federal and state law, medical assistance (MA) is a jointly–funded, federal–state program to provide health care services to eligible

low–income individuals; federal medicaid funds (known as "federal financial participation") are provided to match state funds expended for MA. Prescription drug manufacturers enter into agreements with the federal government to provide rebates for prescription drugs purchased under MA. Under current state law, pharmacies and pharmacists that are certified providers of MA services are reimbursed at a rate established by DHFS for providing certain prescription drugs to MA recipients.

Under this bill, DHFS must request from the federal department of health and human services a waiver of federal medicaid laws to permit DHFS to conduct a project to expand MA eligibility solely for the purpose of purchasing prescription drugs for persons who are at least 65, who have not had outpatient prescription drug coverage from any source other than MA for 12 months, and whose annual household incomes do not exceed 185% of the federal poverty line. If the waiver is granted, an eligible person with a household income of up to 155% of the federal poverty line, after paying a $25 annual enrollment fee and after paying specified deductible amounts for prescription drugs calculated at the pharmacy discount rate, would be entitled to purchase prescription drugs for copayment amounts specified in the bill. A pharmacy or pharmacist who sells a drug at the reduced price would receive reimbursement for the difference between the copayment and the pharmacy discount rate amount from state general purpose revenues and federal medicaid moneys. Persons with household incomes over 155% but less than 186% of the federal poverty line, however, would only be eligible to purchase prescription drugs at the pharmacy discount rate. Under the bill, this project may not be implemented if the federal government creates a national prescription drug benefit program for seniors that would provide similar benefits to a similar population. In addition, DHFS must first secure approval from DOA and JCF.

The bill requires that DOA and DHFS work to develop, in conjunction with other states and with associations, a multistate purchasing group to negotiate with prescription drug manufacturers for MA prescription drug rebate agreements for greater rebates for prescription drugs than those achievable under federal law. Under the bill, DOA must also contract with a private entity to administer a discount program for the purchase of prescription drugs that would be generally available to anyone, regardless of age or income.

The bill requires that DHFS work with DOA to contract with a private entity for the bulk purchase and mail order delivery of prescription drugs for MA recipients who voluntarily participate in the discount program and who have chronic conditions. Further, DHFS and DOA must promote private prescription drug assistance plans that offer free and reduced–price drugs and prescription drug discounts to members. DHFS must inform tribes, certain health centers, and other entities that are eligible for a federal prescription drug discount program about the program and provide technical assistance to the entities in applying for and implementing benefits under the program.

Under current law, DWD administers the eligibility determination aspect of MA; DHFS administers all other aspects of MA. Currently, DWD contracts with

county departments of social services or human services (county departments) to determine the eligibility of individuals for MA. Under these contracts, DWD reimburses the county departments for the reasonable costs of determining the eligibility of individuals for each program. The amount that is reimbursed to each county department is calculated using a formula based on each county's workload and the amount of available state and federal moneys. DWD is also required to investigate suspected fraudulent activity on the part of individuals who receive MA benefits and to reduce errors in the payment of benefits.

This bill requires DWD and DHFS, jointly, to contract with county departments to reimburse the county departments for the reasonable costs of determining the eligibility of individuals for MA. Under the bill, only DWD makes the payments for reimbursement to the county departments but the payments are funded, in part, by an appropriation to DHFS. The bill requires DHFS to establish its own program to investigate possible fraud on the part of MA recipients and to reduce errors in the payments of MA or, in the alternative, to contract with DWD to conduct these activities.

Under current federal medicaid law, nonfederal public funds transferred to the state and expended for MA purposes may be considered as the state's share for the purpose of claiming federal financial participation.

This bill creates an MA trust fund. The fund consists of 1) moneys received as federal financial participation to match public moneys transferred to the state or certified by DHFS as the state share of financial participation for MA payments related to nursing homes; and 2) public moneys transferred to the state or certified by DHFS as the state and federal share of financial participation for MA payments related to nursing homes. The moneys in the MA trust fund are appropriated to DHFS to meet the costs of MA and the administrative costs associated with augmenting federal financial participation.

Under current law, in each fiscal year DHFS may distribute up to $38,600,000 received as federal financial participation to supplement MA payments to reduce the operating deficits of county, city, village, or town nursing homes. DHFS must also distribute for this purpose additional moneys received as federal financial participation that were not anticipated before enactment of the biennial budget act or before enactment of other legislation that affects the appropriation of such federal moneys.

As of July 1, 2000, this bill retroactively eliminates the requirement that DHFS distribute for this purpose additional, unanticipated moneys received as federal financial participation and increases, to up to $40,100,000, the amount of federal financial participation that may be distributed.

Under current law, DHFS administers the Badger Care Health Care Program (BadgerCare) under a waiver from the federal department of health and human services. BadgerCare provides health care coverage to certain low–income families and to certain low–income children who do not reside with a parent. As a condition

of eligibility for BadgerCare, a family or child must be without access to employer–subsidized health care coverage for a period specified by DHFS by rule.

This bill requires DHFS to request a waiver from the federal department to extend the period a family or child is required to be without access to employer–subsidized health care coverage to be eligible for BadgerCare to six months except under certain circumstances. The bill also requires DHFS to request a second waiver to permit DHFS, prior to enrolling a family or child in BadgerCare, to verify whether the family or child has had access to employer–subsidized health care.

Under current law, DHFS certifies persons that meet certain criteria as MA providers and pays for services and items that MA recipients receive from the providers. Currently, DHFS is authorized or required to enforce numerous sanctions, including decertification or suspension from MA, against providers who fail to comply with MA requirements or to whom MA payments have been improperly or erroneously made or overpayments have been made. To implement these sanctions, DHFS must provide written notice, a fair hearing, and a written decision. Currently, fraud in applications for, rights to, and conversion of MA benefits or payments is prohibited. These prohibitions are punishable by fines and imprisonment. Also under current law, if a provider who is liable for repayment of improper or erroneous MA payments or overpayments sells or otherwise transfers ownership of his or her business, the seller and transferee are each liable for the repayment. The transferee must contact DHFS and ascertain whether the seller has an outstanding amount owing. DHFS may bring an action to compel payment against either the seller or transferee if a sale or other transfer occurs, and the amount has not been repaid.

This bill authorizes DHFS, after providing reasonable notice and the opportunity for a hearing, to charge a fee to an MA provider that has repeatedly been subject to recoveries of MA payments because of the provider's failure to follow billing procedures or to follow other MA requirements. The fee must be used to defray the costs of audits and investigations by DHFS of federal medicaid or MA violations and to verify that services have been provided and the appropriateness and accuracy of reimbursement claims. The fee may not exceed $1,000 or 200% of the amount of any recovery, whichever is greater. The bill permits DHFS to recover any part of such a fee that is not timely paid by offsetting the fee against any MA payment owed to the provider. Failure to timely pay a fee is grounds for MA decertification.

The bill authorizes DHFS to require certain MA providers, as a condition of certification, to file with DHFS a surety bond, payable to DHFS, that would reasonably pay the amount of a recovery and DHFS's costs to pursue recovery of overpayments or to investigate and pursue allegations of false claims or statements. The bill also authorizes DHFS to limit the number of providers of particular services that may receive MA certification or limit the amount of resources, including employees and equipment, that a certified provider may use to provide MA services and items.

The bill changes numerous provisions relating to procedures for the recovery by DHFS of MA overpayments or improper or erroneous payments, including all of the following:

1. Hearing requirements are eliminated and, instead, a provider has the opportunity to present information and argument to DHFS staff.
2. A deadline for the payment of recoveries is established, and payment of interest on delinquent amounts is required.

The bill eliminates DHFS's general authority to suspend a provider, but instead authorizes DHFS, if certain criteria are met, to suspend certification for a provider pending a hearing on whether the provider must be decertified for violation of federal or state laws.

The bill requires providers to allow DHFS access to provider records and specifies that a provider's failure to provide access constitutes grounds for decertification.

With respect to liability for repayment of improper or erroneous payments or overpayments of a provider who sells or transfers ownership of his or her business, the bill eliminates provisions that confer liability on both the transferor and the transferee. Under the bill, before a person may take over the operation of an MA provider, the person must obtain MA certification with respect to the provider's operation, regardless of whether the person is currently certified. Also, before a person may take over the operation of an MA provider that is liable for repayment of improper or erroneous MA payments or overpayments, full repayment must be made. Upon request, DHFS must notify the person or provider as to whether the provider is liable. If, notwithstanding the prohibition, the person takes over the provider's operation, and the outstanding repayment is not made, DHFS may withhold certification from the person and may proceed against the provider or person. If the repayment is not paid in full within 30 days after DHFS provides notice to the certified provider, DHFS may bring an action to compel payment, to decertify a provider, or to do both.

Under current law, DHFS receives federal funding to conduct a breast and cervical cancer early detection program. This program provides individuals with breast and cervical cancer screening, referrals, education, and outreach. This bill expands MA to provide MA to women who are under the age of 65, who require treatment for breast or cervical cancer, who have been screened for breast or cervical cancer under the breast and cervical cancer early detection program, and who are not otherwise eligible for MA or any other health care coverage.

Currently, the long–term support Community Options Program (COP) provides functionality assessments of, and home and community–based care to, among others, elderly and disabled persons as an alternative to institutionalized care. One part of COP (often referred to as COP–Regular) is funded by state general purpose revenues and the other part (often referred to as COP–Waiver) is funded jointly by federal medicaid and state MA moneys under a waiver of federal medicaid laws. Also under MA under a waiver of federal medicaid laws, a Community

Integration Program (often referred to as CIP II) provides home and community–based services and continuity of care for persons relocated from institutions, other than the state centers for the developmentally disabled, and for persons who meet requirements for MA reimbursement in nursing homes.

Currently, funds under COP–Waiver and CIP II may not be used to provide services in a C–BRF that has more than four beds unless the C–BRF has five to eight beds and DHFS approves the C–BRF. This bill changes restrictions on the use of COP–Waiver and CIP II funds for providing services in a C–BRF to permit use of the funds in a C–BRF that has five to 20 beds if DHFS approves.

Currently, DHFS operates three Community Integration Programs (CIPs) as part of MA. These programs provide home and community–based services to individuals who are relocated from institutions such as state centers for the developmentally disabled or nursing homes, or who meet the criteria for reimbursement under MA for nursing home care. DHFS also administers the Family Support Program, which provides assistance, including home and community–based services, to families with a disabled child, and a program that provides early intervention services to certain eligible children. These two programs are not part of MA and are funded with GPR.

This bill requires DHFS to request a waiver of federal medicaid laws from the federal department of health and human services to provide to disabled individuals who are under 24 years of age, under one program, with unified administration and service delivery, the services offered under COP–Waiver, CIPs, the Family Support Program, and the Early Intervention Program. If DHFS receives the waiver, DHFS must seek enactment of legislation to implement the waiver within the limits of available federal, state, and county funds.

Under current law, an individual who meets the requirements under one of the following categories is eligible for MA:

1. AFDC–MA. This category includes individuals who meet the income, asset, and non–financial requirements for the federal Aid to Families with Dependent Children (AFDC) Program that were in effect on July 16, 1996. Generally, individuals who meet the AFDC requirements are certain children under 19 years of age, their caretaker relatives, and pregnant women in the eighth or ninth month of pregnancy.

2. AFDC–related MA. This category includes individuals who meet the income and asset requirements of the AFDC program that were in effect on July 16, 1996, but who would not have received an AFDC payment and who are either children under 19 years of age, their caretaker relatives, or pregnant. Also eligible under this category are children under the age of 18 and pregnant women whose incomes do not exceed 133.33% of the maximum payment under the AFDC program, and whose assets do not exceed certain asset limits.

This bill eliminates the asset requirements for the AFDC–MA and AFDC–related MA categories so that an individual who meets the other requirements under one of those categories is eligible for MA.

Under current law, DHFS excludes certain assets when determining whether certain individuals meet the specific asset limits to qualify for MA. One of the assets that is excluded is up to $2,500 in an irrevocable burial trust. This bill increases the amount of such assets that are excluded to $3,300 on January 1, 2003.

Currently, DHFS is required to recover the following from the estate of an MA recipient who is not survived by a spouse or a child who is under 21 or disabled:

1. The amount of MA paid on behalf of the recipient while the recipient resided in a hospital and was required to contribute to the cost of care or resided in a nursing home.

2. The amount of MA paid on behalf of a recipient after the recipient reached age 55 for home–based or community–based services, community–supported living, personal care services, or hospital and prescription drug services.

This bill expands the types of services that are subject to the Estate Recovery Program to include all health care services for which MA was paid on behalf of a recipient after the recipient reached age 55. The bill requires that, if these health care services were provided by a managed care organization, under the Program of All–Inclusive Care for the Elderly (PACE) that provides health and social services to low–income elderly individuals at home, or under the Wisconsin Partnership Program, which provides health care and long–term care services to low–income elderly and disabled individuals, DHFS must calculate the amount of MA as the capitation rate that was paid on behalf of the recipient. If the health care services were provided under the Family Care Program, DHFS must calculate the amount of MA as the cost of the health care services that were paid for with MA. For all other services provided, DHFS is required to calculate the amount of MA on a fee–for–service basis.

Under current law, to recover the amount of MA paid on behalf of MA recipients, DHFS may place a lien on the home of a recipient under certain circumstances. This bill authorizes DHFS to place a lien on any other real property in which an MA recipient has an interest if DHFS may currently place a lien on the recipient's home.

Under current law, medicare part A and part B beneficiaries who are MA recipients with incomes at or below 100% of the federal poverty line or who are elderly or disabled persons with low incomes and resources receive payment for medicare deductible and coinsurance amounts, monthly medicare premiums, and, if applicable, late enrollment penalties for medicare part A premiums. (Medicare part A provides inpatient hospital coverage for persons who are aged 65 or disabled, and medicare part B provides coverage for outpatient services for those persons.) MA recipients whose incomes are above 100% of the federal poverty line receive MA payment of medicare deductible and coinsurance amounts; if they are beneficiaries

of only medicare part A or part B, they receive MA payment of the applicable medicare part A or part B deductible and coinsurance amounts. However, for all of these MA recipients, MA payment for the coinsurance for a service under medicare part B may not exceed the allowable charge for the service under MA minus the medicare payment amount.

Under this bill, MA recipients and elderly or disabled persons with low incomes and resources may receive MA payments for their coinsurance for medicare part B outpatient hospital services that exceed the MA allowable charge for the services. The bill requires that DHFS include in the state plan for MA a methodology for payment of the medicare part B outpatient hospital services coinsurance amounts.

Currently, one of the factors that determines the amounts paid to nursing homes for care provided to MA recipients is the variation in regional labor costs. This bill eliminates that factor.

Under current law, beginning July 1, 2000, DHFS must distribute state GPR and federal medicaid moneys as a supplemental payment to a hospital for which MA revenues were at least 8% of the hospital's total revenues in the most recent year before the year of distribution. This bill eliminates these supplemental payments.

HEALTH

Under current law, DHFS licenses, certifies, approves, or registers, and otherwise regulates numerous health care services providers, including hospitals, nursing homes, C–BRFs, adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices. Currently, the sanctions that DHFS may bring against those facilities or services that violate applicable standards of care or provisions of licensure, certification, approval, or registration include denial of licensure, issuance of departmental orders, required submittal of a plan of correction, assessment of forfeitures (civil penalties), suspension of admissions, imposition of conditional licensure, and suspension or revocation of licensure. Facilities or services on which sanctions are imposed may appeal the sanctions in hearings conducted by DOA. Decisions that result from these hearings are subject to judicial review.

With certain exceptions, this bill makes uniform the sanctions that DHFS may impose on hospitals, nursing homes, C–BRFs, licensed adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices that violate conditions of licensure, certification, approval, or registration or applicable standards of care. The bill specifies procedures for requesting a hearing to contest imposition of a sanction. The bill eliminates DHFS's authority to suspend a license, certification, approval, or registration. Under the bill, if DHFS provides a C–BRF, hospital, or home health agency with written notice of the grounds for a sanction, an explanation of the types of sanctions that DHFS may impose, and an explanation of the appeal process, DHFS may order that the C–BRF, hospital, or home health agency do any of the following: 1) if operating without a license or approval, cease operation; 2) terminate the employment of any person who

operated or permitted operation of a C–BRF, hospital, or home health agency for which a license or approval was revoked; 3) stop violating a provision of licensure or approval; 4) for a C–BRF only, submit a plan of correction for violation of a provision of licensure or approval; 5) for a C–BRF only, implement and comply with a plan of correction that is approved or developed by DHFS; 6) for a nursing home, C–BRF, or hospital only, suspend new admissions until all violations are corrected; or 7) provide training in one or more specific areas for staff members. In addition, if DHFS provides the same type of written notice, DHFS may impose any of the following:

1. Except for nursing homes, a daily forfeiture of not less than $10 nor more than $2,000 for each violation, with each day of violation being a separate offense; the amount of the forfeiture and payment deadlines are specified by DHFS by rule.

2. Under specified circumstances, for all facilities or services, revocation of licensure, certification, approval, or registration.

The bill requires that licensed nursing homes, C–BRFs, and hospices, if they are in substantial noncompliance, as defined by DHFS by rule, with respect to applicable state or federal requirements, demonstrate that they are fit and qualified to operate.

Under current law, DHFS may, after meeting certain procedural requirements, issue a conditional license for up to one year to a nursing home and may revoke any outstanding license of the nursing home for certain violations of standards of care. This bill authorizes DHFS to issue a conditional license, certification, approval, or registration that is similar to a conditional approval of a nursing home, to any health care facility or service that violates standards of care or provisions of licensure.

Under current law, DHFS may issue provisional licenses for home health agencies, rural medical centers, and hospices that have not previously been licensed, that are not in operation at the time the application for licensure is made, or that are temporarily unable to comply with standards of care. DHFS also may issue probationary licenses for nursing homes and C–BRFs that have not previously been licensed and are not operating at the time the license application is made. This bill eliminates provisions relating to provisional licenses for rural medical centers, and, for home health agencies and hospices, changes the term "provisional" to "probationary." In addition, the bill decreases from 24 months to 12 months the period of validity of a hospice probationary license.

Currently, DHFS distributes funds to provide various services for persons with or at risk of contracting acquired immunodeficiency syndrome (AIDS). This bill also requires that DHFS provide funds for testing for and prevention of infections related to AIDS, including hepatitis C virus infection, on behalf of the persons who receive AIDS services.

Under current law, the governor may enter into an agreement with the federal Nuclear Regulatory Commission to discontinue certain federal licensing and related regulatory authority with respect to by–product material (certain radioactive material and the tailings or waste from ores processed for uranium or thorium), source material (any material except special nuclear material that contains a

specified percentage of uranium or thorium), and special nuclear material (uranium enriched in specified isotopes and plutonium). Rules that DHFS must promulgate for by–product, source, and special nuclear material must be no less stringent than federal requirements.

This bill modifies the definition of "source material" to be uranium, thorium, or any combination of the two in any physical or chemical form, or ores that contain, by weight, 0.05% of uranium, thorium, or a combination of the two. The bill requires that DHFS's rules be compatible with federal requirements; however, the rules must also be in accordance with specific federal requirements relating to by–product material. The bill also authorizes DHFS to develop qualification, certification, training, and experience requirements and to recognize certification by another state or a nationally recognized organization that is substantially equivalent to the DHFS certification, for persons who operate radiation generating equipment; who utilize, store, transfer, transport, or possess radioactive materials; or who act as radiation safety consultants.

Currently, DHFS administers a breast cancer screening program that awards grants to hospitals and other organizations to provide breast cancer screening services to women who are 40 years of age or older. As part of this program, DHFS must expend $20,000 annually to develop and provide media announcements and educational materials concerning the need for and availability of breast cancer screening services to women in areas served by the program.

DHFS also currently administers a low–income women health screening program that awards grants to applicants to provide health care screening, referral, follow–up, and patient education services to low–income, underinsured, and uninsured women.

This bill eliminates the requirement that DHFS expend at least $20,000 in each fiscal year for developing and providing media announcements and educational materials under the breast cancer screening program. The bill requires DHFS to allocate $20,000 for developing and providing media services and educational materials to promote both health care services available under the Low–Income Women Health Screening Program and to promote breast cancer screening services available under the breast cancer screening program.

Current law requires DHFS to expend under the federal Preventive Health Services Project Grant Program $25,000 in each fiscal year for a state medical director for the state Emergency Medical Services (EMS) program. This bill eliminates this requirement.

WISCONSIN WORKS

Under current law, DWD administers the Wisconsin Works (W–2) Child Care Subsidy Program. Under this program, an individual who meets certain nonfinancial and financial eligibility requirements and who is the parent, foster parent, guardian, or kinship care relative of a child under the age of 13 or, if the child is disabled, under the age of 19, may be eligible for a child care subsidy if the

individual needs child care to work or to pursue basic or technical college education. A kinship care relative is an individual who receives monthly payments under the Kinship Care Program. The Kinship Care Program provides monthly payments to individuals who are relatives of children and who provide care and maintenance for the children either temporarily (short–term kinship care relative) or on a more permanent basis (long–term kinship care relative).

Under this bill, if DWD determines that moneys allocated for the Child Care Subsidy Program are insufficient to provide the child care subsidy to all eligible individuals, DWD may develop a plan to limit participation in the Child Care Subsidy Program. If the secretary of administration approves the plan, DWD may implement it.

Under current law, to be eligible for the child care subsidy, a long–term kinship care relative must cooperate with child support enforcement efforts, provide DWD with any information that DWD requires, and assign to DWD any right the individual has to child or spousal support or maintenance. Short–term kinship care relatives are not required to meet these requirements. Under current law, a short–term kinship care relative is eligible for the child care subsidy if the child's biological or adoptive family has income that is at or below 200% of the federal poverty line while a long–term kinship care relative must have income that is at or below 185% of the federal poverty line to be eligible for the child care subsidy. Under this bill, the eligibility requirements for the child care subsidy that currently apply to short–term kinship care relatives apply to long–term kinship care relatives.

Under current law, DWD distributes federal funds to child care providers and counties for child care services that are provided to individuals who are eligible for the W–2 child care subsidy and to private nonprofit agencies that provide child care for children of migrant workers. Currently, the funds may not be used to cover the costs of child care services that are provided to a child by a person who resides with the child, unless a county determines that the child care is necessary because of a special health condition of the child.

The bill permits DWD to reimburse a W–2 agency (an entity that administers the W–2 program on behalf of DWD) for child care services that the W–2 agency provides to W–2 participants and applicants and prohibits the use of the funds for child care services that are provided for a child by the child's custodial parent, guardian, foster parent, treatment foster parent, legal custodian, or person acting in place of a parent, unless a county determines that the child care is necessary because of a special health condition of the child.

Under current law, DWD contracts with W–2 agencies to administer the W–2 program. Current law requires that these two–year contracts require the W–2 agency to establish a community steering committee that consists of at least 12 members but not more than 15 members. A community steering committee is responsible for advising W–2 agencies on employment and training activities, creating and encouraging others to create subsidized jobs for W–2 participants, identifying child care needs, improving child care access, and expanding the availability of child care.

This bill eliminates the requirement that the community steering committee consist of a specified number of members. The bill also requires that a W–2 contract require the community steering committee to serve individuals who are receiving services under the federal Temporary Assistance for Needy Families (TANF) block grant program and to coordinate its services with a local workforce development board.

PUBLIC ASSISTANCE

Current law directs DWD to allocate specific amounts of moneys in each fiscal year, including federal moneys received under the TANF block grant program, for various public assistance programs. This bill eliminates the allocation for some of the programs, including start–up funding for W–2 contracts, the Passports for Youth Program, the Community Marriage Policy Project, and payments to the Wisconsin Trust Account Foundation for the provision of legal services to certain low–income individuals.

Under the bill, if the amounts of TANF moneys that are received from the federal government are less than the amounts of TANF moneys appropriated to DWD, DWD must submit a plan to the secretary of administration for reducing the amounts allocated for the public assistance programs. If the secretary approves the plan, DWD may reduce the amounts allocated.

Current law requires DWD to distribute a portion of the federal Child Care Development Block Grant (CCDBG) funds to provide various child care services and grant programs, including technical assistance to child care providers, grants for the start–up and expansion of child day care services, and grants for improving the quality of care standards. This bill requires DWD also to distribute CCDBG funds as grants to local governments and tribal governing bodies for programs to improve the quality of child care.

Under current law, DWD awards grants of up to $500 to eligible individuals for the costs of tuition, books, transportation, or other direct costs of training or education in a vocational or educational program. As a condition of eligibility for a grant, an individual's income may not exceed 165% of the federal poverty line and the individual must contribute matching funds equal to the amount of the grant. The total amount of all grants awarded to an individual may not exceed $500. This bill increases the maximum income level for eligibility for an employment skills advancement grant to 185% of the federal poverty line, reduces the amount of matching funds that an individual must contribute to 50% of the amount of the grant, and increases the maximum amount of all grants that an individual may receive to $1,000.

Under current law, DWD contracts with counties and W–2 agencies to administer a work experience program for noncustodial parents, commonly referred to as the Children First Program. Under the program, counties and W–2 agencies provide work experience, job training, and job search assistance to noncustodial

parents (parents who do not live with their children for substantial periods) who are required to participate in the program because they failed to pay court–ordered child support or to meet their child's needs for support because of unemployment or underemployment. Current law requires DWD to pay the county or W–2 agency administering the program $400 for each noncustodial parent who participates in the program.

This bill authorizes DWD to contract with elected tribal governing bodies of federally recognized American Indian tribes or bands to administer the Children First Program. The bill also changes the amount that DWD is required to pay to each county, W–2 agency, or tribal governing body for each noncustodial parent who participates in the program from $400 to an amount that is not more than $400.

Under current law, DHFS provides aid to eligible individuals to cover the costs of medical care for kidney disease, cystic fibrosis, and hemophilia. An individual who is eligible to receive aid, but whose income exceeds income limits established by DHFS, is required to expend certain amounts of his or her income, determined according to a sliding scale developed by DHFS, for the medical care before he or she may receive aid. Every three years, DHFS is required to review and, if necessary, revise the sliding scale to ensure that the needs of patients with lower incomes receive priority for aid. This bill requires DHFS to revise the sliding scale as necessary, rather than every three years, to ensure that the needs of patients with lower incomes receive priority for aid.

Under current law, DHFS awards grants for the provision of alcohol and other drug abuse treatment services in Milwaukee County to individuals who are eligible for TANF and have family incomes that do not exceed 200% of the federal poverty line. This bill permits these grants to be provided throughout the state.

Under current law, county departments of community programs (county departments) are required, within the limits of federal, state, and county funds, to provide to individuals who suffer from mental disabilities, including mental illness, developmental disabilities, alcoholism, or drug abuse, a variety of health care services related to mental illness, developmental disabilities, alcoholism, and drug abuse. The health care services provided include diagnostic and evaluation services, inpatient and outpatient care and treatment services, and supportive transitional services. Under current law, if federal, state, and county funds for the alcohol and other drug abuse services are not sufficient to meet the needs of all individuals who are eligible for the services, the county departments must give first priority for the services to any pregnant woman who suffers from alcoholism or alcohol abuse or who is drug dependent.

Under this bill, county departments are required to give second priority for alcohol and other drug abuse services to independent foster care adolescents. An independent foster care adolescent is an individual who is at least 18 but under 21 years of age and was in foster care on his or her 18th birthday. If state, federal, and county funds for mental health services are insufficient to meet the needs of all

individuals eligible for mental health services, the bill requires the county departments to give first priority for the services to independent foster care adolescents.

CHILDREN

Under current law, DHFS, DPI, and DWD administer various programs for children. This bill creates a children's cabinet board consisting of the governor, the state superintendent of public instruction, the secretary of administration, the secretary of health and family services, and the secretary of workforce development, that is attached to the office of the governor for administrative purposes. The bill directs the board to make recommendations to the governor and the legislature relating to changes needed in state programs, policies, and funding levels to improve the coordination among state agencies of programs for children and to streamline the delivery of those programs. The bill also directs the board to award grants to local consortia (combinations of individuals, public agencies, nonprofit corporations, for–profit organizations, federally recognized American Indian tribes or bands, or other persons) to develop models for the delivery of programs for children who are at risk of not being ready to learn when they enter kindergarten or who are at risk of facing barriers to learning while in school (at–risk children). The models must be designed to create closer links between school districts, human service providers, and other community–based providers of programs for children; to enable at–risk children to be ready to learn when they enter kindergarten or to overcome the barriers to learning that they face while in school; to focus on providing services on a voluntary basis to children under five years of age and their families, but also to provide services to children and their families, as needed, throughout the elementary and high school grades; and to meet certain performance measures prescribed by the board.

Under current law, the juvenile court may designate an out–of–home placement for a child who is within the jurisdiction of the juvenile court. The state receives federal foster care and adoption assistance funding under Title IV–E of the federal Social Security Act (generally referred to as IV–E funds) in reimbursement of moneys expended to provide care for children in out–of–home placements. Recently, however, the federal government changed its regulations relating to eligibility for IV–E funds to provide that IV–E funds are not available when a court orders a child to be placed in a specific out–of–home placement, except that those funds are available when a court orders a child to be placed in a specific out–of–home placement recommended by the agency primarily responsible for providing services for the child (agency) or when a court, after considering the evidence presented by the agency and all parties relating to a child's placement, orders the child to be placed in a specific out–of–home placement other than a placement recommended by the agency.

This bill requires an order of the juvenile court placing a child outside the home in a placement recommended by the agency to include a statement that the juvenile court approves the placement recommended by the agency and an order of the

juvenile court placing a child outside the home in a placement other than a placement recommended by the agency to include a statement that the juvenile court has given bona fide consideration to the recommendations made by the agency and all parties relating to the child's placement.

Under current law, the juvenile court may appoint a relative of a child as the guardian of the child if the juvenile court makes certain findings, including a finding that the child has been adjudged to be in need of protection or services and has been placed outside of his or her home under an order of the juvenile court for one year or longer. This bill permits any person, not just a relative, to be appointed as the guardian of a child who has been adjudged to be in need of protection or services. The bill also eliminates that one–year waiting period and permits a child who has been adjudged to be in need of protection or services or whose parents' parental rights to the child have been terminated to be placed directly in the home of a guardian without first having been placed in another out–of–home placement.

Currently, a relative who is appointed as the guardian of a child in need of protection or services and who meets certain other requirements is eligible to receive long–term kinship care payments of $215 per month for providing care and maintenance for the child. This bill permits a person who is appointed as the guardian for a child in need of protection or service, who was the licensed foster or treatment foster parent of the child before that appointment, and who is a resident of Milwaukee County to receive monthly subsidized guardianship payments in an amount established by DHFS based on the average amount of general purpose revenues expended per child in foster care in Milwaukee County in state fiscal year 2000–01 if the child is 12 years of age or over and any of the following applies: 1) the child has been placed outside of his or her home for 15 of the most recent 22 months; 2) the parental rights of the child's parents have been terminated; 3) the juvenile court has found that reunification of the child with the child's parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child. The bill also permits those payments to be made to such a guardian if the child does not meet any of those conditions, but DHFS has determined that providing subsidized guardianship payments to the guardian is in the best interests of the child and the juvenile court has confirmed that determination. The bill also requires DHFS to request from the federal department of health and human services a waiver of the requirements under Title IV–E of the federal Social Security Act that would authorize the state to receive IV–E funds for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster or treatment foster parent before the guardianship appointment and to provide monthly subsidized guardianship payments to the guardian according to the terms of the waiver.

Under current law, for each child living in a foster home, treatment foster home, group home, child caring institution, secure detention facility, or shelter care facility, whether under a voluntary agreement or under an order of the juvenile court, the

agency that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child under the juvenile court order must prepare a written permanency plan, which is a plan designed to ensure that a child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long–term stability. This bill requires a permanency plan to be prepared for a child who, under a juvenile court order, is living in the home of a relative.

Under current law, on the request of a grandparent in whose home a grandchild whose parent is under 18 years of age is placed, whether under a voluntary agreement or under a juvenile court order, DHFS, a county department of human services or social services (county department), or a licensed child welfare agency may license that grandparent as the grandchild's foster or treatment foster parent. This bill requires, rather than authorizes, DHFS, a county department, or a licensed child welfare agency to license such a grandparent as the grandchild's foster or treatment foster parent on the request of the grandparent. Similarly, on the request of a guardian in whose home a minor ward is placed under a juvenile court order, DHFS, a county department, or a licensed child welfare agency may license that guardian as the ward's foster or treatment foster parent. This bill requires, rather than authorizes, DHFS, a county department, or a licensed child welfare agency to license such a guardian as the ward's foster or treatment foster parent on the request of the guardian.

Under current law, certain relatives of a child who provide care and maintenance for the child and who meet certain other conditions (kinship care relatives) are eligible for a payment of $215 per month under the Kinship Care Program. Those conditions include a condition that the county department or, in Milwaukee County, DHFS must conduct a background investigation of the kinship care relative, any employee or prospective employee of the kinship care relative who has or would have regular contact with the child, and any adult resident of the kinship care relative's home and the investigation must indicate that the kinship care relative, employee, prospective employee, or adult resident does not have any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child. Currently, a kinship care relative who is denied kinship care payments, or who is prohibited from employing a person or permitting a person to reside in the kinship care relative's home, based on an arrest or conviction record may request the director of the county department or, in Milwaukee County, a person designated by the secretary of health and family services to review that denial. That review procedure expires on the effective date of the 2001–03 biennial budget act. This bill eliminates that expiration date.

Under current law, if the parental rights of all living parents of a child are terminated or if a child has no living parents, the juvenile court may transfer guardianship of the child to DHFS, which is then responsible for securing the adoption of the child. If a permanent adoptive placement is not in progress two years after entry of the termination of parental rights (TPR) or guardianship order, DHFS

may petition the juvenile court to transfer legal custody of the child to a county department, but DHFS remains the guardian of the child. This bill shortens that time frame to one year after entry of the TPR or guardianship order. The bill also authorizes DHFS to petition the juvenile court to transfer guardianship of such a child to a county department that is authorized to accept guardianship of children.

Similarly, under current law, an American Indian tribal court in this state may appoint DHFS as guardian or legal custodian of a child who has no parents, or whose parents' parental rights to the child have been terminated by the tribal court, for the purpose of making an adoptive placement for the child. If a permanent adoptive placement is not in progress two years after entry of the TPR or guardianship order, DHFS may petition the tribal court to transfer legal custody or guardianship of the child back to the tribe. This bill shortens that time frame to one year after entry of the TPR or guardianship order.

Under current law, a person 21 years of age or older whose birth parents' parental rights have been terminated, or who has been adopted, in this state may request DHFS to provide the person with a copy of the person's original birth certificate and with the identity and location of the person's birth parents. If the person's birth parent has not filed an affidavit authorizing DHFS to disclose the person's original birth certificate or the identity and location of the birth parent, DHFS or a county department or a child welfare agency under contract with DHFS must conduct a search for the birth parent to inform the birth parent that he or she may file an affidavit authorizing that disclosure. This bill eliminates the authority of DHFS to conduct those searches or to contract with a county department or a child welfare agency to conduct those searches. Instead, the bill permits DHFS to license a child welfare agency to conduct those searches.

Under current law, DHFS, a county department, or a child welfare agency may charge a reasonable fee for the cost of conducting a search for a person's birth parents, but may not charge a fee in excess of $100 unless the person gives consent to proceed with the search. Similarly, a person requesting access to medical and genetic information about a person or the person's birth parents must pay a fee based on ability to pay, but not to exceed $150, for the cost of locating, verifying, purging, summarizing, copying, and mailing that information. This bill eliminates those fee caps.

Current law requires DHFS to pay claims not payable by other insurance for bodily injury or property damage sustained by a foster, treatment foster, or family–operated group home parent (parent) or a member of the parent's family as a result of an act of a child placed in the parent's care. Current law also permits DHFS to pay claims not covered by other insurance for acts or omissions of a parent that result in bodily injury to a child placed in the parent's care or that form the basis for a civil action for damages against the parent, and for bodily injury or property damage that is caused by an act or omission of a child who is placed in the parent's care and for which the parent becomes legally liable. Currently, the amount of those

claims that DHFS may approve in a fiscal year is subject to a $200 deductible. This bill lowers that deductible amount to $100.

Under current law, DHFS distributes IV–E funds as community aids to counties to provide social services to children and families. If on December 31 of any year there remains unspent or unencumbered in the community aids basic county allocation an amount that exceeds the amount of IV–E funds allocated as community aids in that year (excess IV–E funds), DHFS must carry forward to the next year those excess IV–E funds and distribute not less than 50% of those excess IV–E funds to counties other than Milwaukee County that are making a good faith effort to implement the statewide automated child welfare information system (generally referred to as "WISACWIS") for services and projects to assist children and families. Currently, a county is required to use not less than 50% of the excess IV–E funds distributed to that county for services and projects to assist children and families. This bill permits a county, in the year in which the county implements WISACWIS and in the two succeeding years, to use 100% of the excess IV–E funds distributed to that county to reimburse DHFS for the costs of implementing WISACWIS.

Under current law, the child abuse and neglect prevention board (CANPB) may expend the interest earned on, but not the principal of, moneys received from the sale of "Celebrate Children" license plates to award grants for child abuse and neglect prevention programs, early childhood family education centers, and Right From the Start projects; to administer statewide child abuse and neglect prevention projects; and to pay for the operating costs of CANPB. This bill permits CANPB to expend 50% of the moneys received from the sale of those license plates, and all interest earned on those moneys received, to award the grants, administer the projects, and pay for its operating costs.

FAMILY CARE

Under family care, a program of financial assistance in providing long–term care and support items, persons are entitled to (will receive) a benefit if they are at least 18 years of age, have physical disabilities or infirmities of aging, meet financial criteria, and fulfill any applicable cost–sharing requirements. They must also meet any of several criteria related to functionality, eligibility for MA, the need for protective services or protective placement, and the existence of chronic or terminal conditions. Other persons may be eligible for, but are not necessarily entitled to, the family care benefit if they are at least 18 years of age, have physical disabilities or infirmities of aging, meet financial criteria, fulfill any applicable cost–sharing requirements, and meet any of several criteria relating to functionality. DHFS is authorized to determine the date on which these functionality criteria first apply to applicants for the family care benefit who are not MA recipients, but the date may not be later than July 1, 2000. Persons with developmental disabilities in a county in which family care initially was provided before July 1, 2001, are both eligible and entitled. One of the criteria for functionality for both entitled and eligible persons is that the person have a condition that is expected to last at least 90 days or result

in death within 12 months after the date of application and, on the date that the family care benefit became available in the person's county of residence, the person was a nursing home resident or had been receiving care under long–term MA, the Alzheimer's Family Caregiver Support Program, community aids, or county funding.

This bill applies the family care functionality criterion that relates to a chronic or terminal condition to eligible persons who *do not meet* other functionality criteria. The bill requires that a person seeking a determination of functional eligibility under the criterion first apply for eligibility for the family care benefit within 36 months after the date on which the family care benefit is initially available in the person's county of residence. Further, for persons who are entitled to the family care benefit, the bill creates a criterion that is similar but under which a person qualifies only if he or she *does meet* another specific functionality criterion. The bill changes provisions concerning persons with developmental disability, so that a person who is 18 years of age, has a primary disabling condition of developmental disability, and meets financial and functionality criteria is both eligible for and entitled to the family care benefit if the person is a resident of a county in which family care was initially provided before July 1, 2003.

The bill changes the latest date that DHFS may determine for beginning to apply functionality criteria under the Family Care Program to family care benefit applicants who are not MA recipients. Under the bill, the date must be not later than January 1, 2004, but, before the determined date, persons who are not eligible for MA may receive the family care benefit within the limits of state funds appropriated for this purpose and available federal funds.

Currently, DHFS may contract with various entities to operate family care resource centers, which provide, among other things, determinations of family care eligibility and information and referral services. If the secretary of health and family services certifies that a family care resource center is available in a county, adult family homes, residential care apartment complexes, C–BRFs, and nursing homes in the county must, unless certain exceptions apply, refer persons who are at least 65 years of age who or have physical disabilities that are expected to last at least 90 days to the resource center for services and determinations of family care and other program eligibility. In addition, nursing homes must so refer persons with developmental disability.

Currently, a family care resource center in a county must, within six months after the family care benefit is available to all eligible persons in the resource center's area, provide information about the family care benefit and family care services to all older persons and persons with physical disabilities who reside in facilities in the area, must provide a functional and financial screening to those residents and to certain persons who are seeking admission to a facility, and must provide access for eligible persons to protective services or protective placement or elder abuse services.

This bill requires that DHFS ensure that family care benefit and family care services information, functional and financial screenings, and access for eligible persons to protective services or protective placement and elder abuse services are

provided, rather than requiring that a family care resource center provide these. Also, under the bill, persons who are residents of certain facilities and are members of a target population served by a care management organization in the county must receive this information.

Currently, DHFS must promulgate rules requiring a hospital to refer to a family care resource center patients being discharged from the hospital who have developmental disability or a physical disability requiring long–term care for at least 90 days, or who are 65 years of age or older. The rules must specify that the requirement applies only if the secretary of health and family services has certified that a resource center is available for the hospital and for individuals that include the hospital's patients.

This bill eliminates the requirement that DHFS promulgate rules requiring a hospital to refer patients to a resource center. Instead, the bill requires that a resource center annually develop and provide to the local long–term care council for review a tentative plan for coordinating appropriate referrals of individuals who are discharged from hospitals in the area served by the resource center and who are likely to be eligible for family care benefits. The local long–term care council must review the tentative plan and provide to the resource center nonbinding plan recommendations for ensuring cooperation and coordination between the resource center and hospital. In turn, the resource center must consider the recommendations and cooperate with hospitals in the geographic area served by the resource center in developing and implementing the plan. Hospitals must participate in the plan development and implementation if the secretary of health and family services has certified that a resource center is available for the hospital and for individuals that include the hospital's patients.

The bill clarifies that adult family homes, residential care apartment complexes, and C–BRFs must refer persons with developmental disability to family care resource centers for services and determinations of family care and other program eligibility.

Currently, a county board of supervisors or, in a county with a county executive or county administrator, that person, may create a family care district (a special purpose district that is organized to operate a family care resource center or a care management organization, but not both). The county board of supervisors or county executive or county administrator also appoints the 15 members of the family care district board, which is the governing body for the family care district. If a county joins with one or more counties, the county board of supervisors of each county may create a family care district, with a 21–member board. The lengths of terms of the initial members of the family care district board are specified. Up to one–fourth of the members may be elected or appointed officials or employees of the county. Also, in each county that participates in family care, the county board must appoint a local long–term care council, which develops the initial county plan for the structure of the Family Care Program in that county.

This bill permits a county board of supervisors or a county executive or county administrator to appoint only the initial members of a family care district board, and requires that both the proposed creation of a family care district and the proposed appointments to the family care district board be first reviewed and approved by the secretary of health and family services. This limitation also applies to the county boards of supervisors that join in creating a family care district. The local long–term care council must also review the proposed initial members of the family care district board and recommend to that secretary approval or disapproval of the proposed membership. The bill authorizes members of the family care district board, once initially appointed, to appoint successors to the board. The bill decreases the length of the terms of the initial members and limits to less than one–fourth of the membership the number of family care district board members who may be elected or appointed county officials or county employees.

Under current law, after the secretary of health and family services has certified that a family care resource center is available to provide family care services in a county, C–BRFs and residential care apartment complexes in that county must provide prospective residents with information about the family care benefit and services of the resource center and must refer certain persons to a resource center. In addition, C–BRFs must inform all prospective residents of the assessment requirements for the receipt of COP services and services under CIP II for persons who are relocated from certain institutions or who meet level–of–care requirements for MA.

This bill requires that, beginning on January 1, 2002, except in a county in which a resource center is available to provide family care services, a residential care apartment complex inform prospective residents of the services of the county aging unit, of the agency in the county that administers COP, and of conditions for eligibility for public funding for long–term care services. Also, except in such a county, a C–BRF must refer persons seeking admission to the C–BRF to the agency in the county that administers COP. The bill authorizes COP funding to be used for conducting preadmission consultations for persons seeking admission or about to be admitted to a C–BRF.

Under current law, the benefit under family care is funded from a number of sources, including federal and state moneys for those who are eligible for MA. Moneys that are received from the recovery of family care correctly paid benefit payments (commonly referred to as "estate recovery") are appropriated, in part, as payments to care management organizations to provide the family care benefit.

This bill appropriates moneys that are received as estate recovery from family care enrollees who are ineligible for MA to pay for administering the estate recovery and to pay care management organizations to provide the family care benefit. With respect to moneys that are received as estate recovery from family care enrollees who are eligible for MA, the bill appropriates those moneys as part of the state share of MA that is provided as the family care benefit.

Under family care, a client may contest specified matters, including estate recovery and incorrectly paid benefit payments, by filing a written request for a hearing with the division of hearings and appeals in DOA. The client must file the request within 45 days of receiving notice of a decision in a contested matter or within 45 days of the failure by a resource center or care management organization under family care to act on the matter under time frames specified by DHFS. DHFS also must promulgate rules relating to estate recovery and the recovery of incorrectly paid family care benefits that are substantially similar to MA recovery provisions.

This bill changes the time by which a family care client may contest certain actions under family care to be within 45 days after the effective date of the action. Further, the bill eliminates recovery of family care benefit payments as a matter that may be contested within this time limitation.

Under current law, certain entities that may provide services that are similar to those provided by a home health agency (such as care management organizations, which operate under the Family Care Program for the provision of long–term care) are exempt from the home health agency requirements. This bill expands the exemptions from home health agency licensure and regulatory requirements to include an entity with which a care management organization contracts to provide services under the Family Care Program.

Mental health and developmental disabilities

Under current law, DHFS approves and otherwise regulates public and private treatment facilities for the provision of services for mental illness, developmental disability, and alcohol and other drug abuse. DHFS may, after notice and hearing, grant, suspend, revoke, or limit such an approval, and a court may restrain violations of conditions of approval or standards of care by treatment facilities; review denials, restrictions, or revocations of approval; and grant other enforcement relief.

This bill specifies sanctions that DHFS may impose on treatment facilities for violations of conditions of approval or standards of care; these sanctions are similar to those that DHFS may, under the bill, impose on facilities or services regulated by DHFS that provide medical care. Under the bill, if DHFS provides a treatment facility with written notice of the grounds for a sanction, an explanation of the types of sanctions that DHFS may impose, and an explanation of the appeal process, DHFS may impose any of the following:

1. A daily forfeiture (civil penalty) of not less than $10 nor more than $2,000 for each violation, with each day of violation being a separate offense; the amount of the forfeiture and payment deadlines are specified by DHFS by rule, based on the size of the treatment facility and the seriousness of the violation, and may be increased if there is continued failure to comply with a DHFS order.
2. Suspension of approval.
3. Under specified circumstances, revocation of approval.

The bill specifies procedures for requesting a hearing to contest a forfeiture, suspension, or revocation.

Currently, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when appropriate.

This bill authorizes DHFS to allow a center for the developmentally disabled to offer, when DHFS determines that community services need to be supplemented, short–term residential services, dental and mental health services, physical therapy, psychiatric and psychological services, general medical services, pharmacy services, and orthotics. These services may be provided only under a contract between DHFS and specified entities to persons who are referred by the entity. Further, the services are governed by the terms of the contract or by statutes or administrative rules that regulate facilities, govern certain mental health services, and provide mental health patient rights. In the event of a conflict between contract provisions and these statutes or rules, the services must comply with the contractual, statutory, or rules provision that is most protective of the health, safety, welfare, or rights of the recipient of the services, as determined by the center for the developmentally disabled. Specified mental health statutes, including emergency detention and commitment laws, and zoning and other county, city, town, or village ordinances, do not apply to provision of the services.

Currently, the state centers for the developmentally disabled must provide services for up to 36 persons with developmental disability who are also diagnosed as mentally ill or who exhibit extremely aggressive and challenging behaviors. This bill increases to up to 50 the number of persons with developmental disability and mental illness or extreme behaviors that the state centers for the developmentally disabled must serve.

Under current law, if a court during a trial for a criminal offense has reason to doubt the defendant's competency to proceed, the court must order the defendant to be examined, on an inpatient or outpatient basis, as determined by DHFS. For an inpatient examination, the court must arrange for the defendant's transportation to and from the examining facility. Also under current law, a county department of community programs may not reimburse a state institution for care provided by the institution to certain persons, including criminal defendants who are ordered to be examined by mental health institutes for competency to undergo trial.

This bill requires that, for a defendant in a criminal trial who has been ordered to receive an examination for mental competency to undergo trial, the sheriff of the defendant's county of residence must transport the defendant to and from the examining facility. The bill requires that a county department of community programs reimburse a mental health institute at the institute's daily rate for all days of custody of a county resident who is examined for competency to proceed in a criminal trial, beginning 48 hours (excluding Saturdays, Sundays, and legal holidays) after the sheriff and county department receive notice that the examination has been completed.

Under current law, DHFS must distribute not more than $350,000 in federal funds in each fiscal year to counties to assist in relocating individuals with mental illness from institutional or residential care to less restrictive and more cost–effective community settings and services.

This bill eliminates the limitation on federal funding; reduces from five years to three years the maximum grant period; permits the grants to be made to entities other than counties; and requires that the funds be used for recovery–oriented mental health system changes, prevention and early intervention strategies, and consumer and family involvement. The bill requires that community services developed under a grant be continued following grant termination by use of savings made available from incorporating recovery, prevention and early intervention strategies, and consumer and family involvement in the services, rather than by use of funding made available from reduced use of institutional and residential care.

OTHER HEALTH AND HUMAN SERVICES

Under current law, the state registrar or local registrars (the county registers of deeds or city registrars) may publish in a public index information from a birth certificate that is not changed or impounded concerning the name, sex, date and place of birth, and parents' names for a person whose mother was unmarried for the period from the child's conception to birth. This bill limits the information that may be filed in public indexes of marriage documents or of certificates of birth, death, divorce, or annulment to the registrant's full name, date of the event, county of occurrence, county of residence, and, at the discretion of the state registrar, the file number. Further, under the bill, for births that occur after September 30, 1907, certificate of birth index information may be copied or reproduced for the public only if 100 years have elapsed since the birth. Indexes of certificates of death, divorce, or annulment may be copied or reproduced for the public after 24 months from the year in which the event occurred, but certain information on the certificate of death itself may not be inspected by or disclosed to anyone for 50 years after the date of death, except to a person who has a direct and tangible interest in the death.

Current law specifies procedures by which the state registrar may, without a court order, change incorrect information or insert omitted information on a vital record or must, under a court order, make those changes. Current law also requires that a certificate of birth for every birth in this state be filed within five days after the birth in the registration district in which the birth occurs. This bill specifies procedures for the state or a local registrar to follow in recording changed information on a vital record, including special procedures the state registrar, under a court order, must use to correct facts misrepresented by an informant for a certificate of birth. The bill prohibits the state registrar from making changes on a birth certificate, without a court order, to add or delete the name of a parent or change the identity of a parent. The bill requires that the state registrar, rather than the local registrar, register births.

Currently, a funeral director, a member of a decedent's immediate family, or a person authorized to dispose of unclaimed corpses or anatomically to study donated bodies who moves a corpse must, within 24 hours after the death, file certain

information on a death certificate. The funeral director, family member, or person must forward the certificate to the decedent's attending physician or, for certain deaths (for example, homicides), to a coroner or medical examiner to provide a description of the cause of death on a separate medical certification section on the death certificate. This bill requires that, beginning January 1, 2003, a certificate of death consist of three parts that contain: 1) fact–of–death information (the name and other identifiers of the decedent, including the decedent's social security number; the date, time, and place that the decedent was pronounced dead; the manner of death; the identity of the person certifying the death; and the dates of certification and filing of the death certificate); 2) extended fact–of–death information (all the previous information, plus injury–related data and information on final disposition and cause of death); 3) statistical–only information (all other information that is collected on the standard death record form recommended by the federal agency responsible for national vital statistics and other data, as directed by the state registrar, including race, educational background, and health–risk behavior).

Under current law, the state or a local registrar must collect specified fees for issuing various documents and for making alterations administratively and as ordered by a court. This bill increases the amounts that the state registrar or a local registrar may charge as fees for issuing an additional certified copy of a vital record. The bill authorizes charging for issuing additional copies of uncertified vital records and for expedited service in issuing a vital record. The bill clarifies that fees must be charged for making any change that is court ordered, that is administrative, or that is a recision of a statement acknowledging paternity. The bill also authorizes charging a reasonable fee for providing searches of vital records and copies of vital records to state agencies for program use.

Under current law, after persons apply for a marriage license, a county clerk who receives the sworn statement of either of the applicants must correct erroneous, false, or insufficient statements in the marriage license or in the application and must show the corrected statement to the other applicant. This bill changes this procedure to require a county clerk who is notified in writing by a marriage applicant that information provided for the license is erroneous to notify the other applicant as soon as reasonably possible and, if the marriage license has not been issued, to prepare a new license with the correct information entered; if the marriage license has been issued, the clerk must immediately send a letter of correction to the state registrar. Also, under the bill, if the clerk discovers that correct information has been entered erroneously on the marriage license, he or she must prepare a new license if the marriage license has not been issued, or must immediately send a letter of correction to the state registrar to amend the erroneous information if the marriage license has been issued.

Under current law, the marriage document must contain the social security number of each party, as well as any other informational items that DHFS determines are necessary. This bill requires that the marriage document consist of the marriage license and the marriage license worksheet, and that the latter contain the social security number and other information items determined by DHFS to be

necessary and to agree in the main with the standard form recommended by the federal agency responsible for national vital statistics.

Currently, following a paternity action, the court must notify the state registrar of necessary changes to the child's birth certificate that result from the paternity action. This bill authorizes the county child support agency also to so notify the state registrar.

Currently, "vital records" means certificates of birth, death, divorce, or annulment, marriage documents, and related data. This bill expands the definition of "vital records" to include worksheets or electronic transmissions that use forms of electronic file formats that are approved by the state registrar and related to birth, death, divorce, or annulment certificates or marriage documents.

Under current law, DHFS must collect health care information from health care providers, including physicians, hospitals, and ambulatory surgery centers, and must analyze and disseminate that information in the form of standard reports, public use data files, and custom–designed reports. DHFS may release only those public use data files that do not permit the identification of specific patients, employers, or health care providers. DHFS must also prohibit purchasers of data from rereleasing individual data elements of health care data files. This bill eliminates the latter requirement.

Current law requires DHFS to develop and submit various reports and plans to other state agencies, the governor, or the legislature. This bill permits, rather than requires, DHFS to submit the following:

1. Annually, a plan to address hunger in the state and to relieve hunger in populations currently experiencing hunger to the governor, the state superintendent of public instruction, and the legislature.

2. Annually, a report on the expenditure of funds for providing primary health services and mental health services to homeless individuals to the legislature.

3. A plan for developmental disability services in the state, and biennial updates to the plan, to the governor, standing committees of the legislature with jurisdiction over developmental disability issues, and JCF.

4. A report on DHFS's progress in implementing an early intervention services program to the legislature.

5. A report on DHFS's activities relating to the treatment of alcoholism to the governor.

Under current law, before DOA may approve any payments to counties for providing supportive, personal, or nursing services to individuals who reside in a certified residential care apartment complex, DHFS must submit an annual report on the statewide medical assistance daily cost of nursing home care to DOA for review and approval. If DOA approves the report, DOA may make the payments to counties. This bill makes submission of the report optional and eliminates the requirement that DOA approve the report before DOA may make the payments to counties.

Current law requires the council on physical disabilities to submit to the legislature recommendations on matters relating to physically disabled individuals and requires the council on mental health to submit to DHFS, the governor, and the legislature policy recommendations in the area of mental health. The bill permits, rather than requires, the council on physical disabilities and the council on mental health to submit the reports.

Under current law, DWD collects and distributes all moneys received for child or family support and maintenance (formerly called alimony). If amounts received cannot be distributed, such as when a payee has not notified DWD of a new address, or if amounts received are distributed but go unclaimed, such as when a check that is sent to a payee is not cashed within one year of the check's issuance, those amounts are considered to be abandoned or unclaimed property. DWD must deliver to the state treasurer those funds that remain unclaimed after public notice. The state treasurer deposits all abandoned or unclaimed property in the school fund, and anyone claiming an interest in abandoned or unclaimed property may file a claim with the state treasurer to obtain the property.

Under this bill, DWD may retain to pay for its own expenses in administering the child support program all amounts received for support that cannot be distributed or that are not claimed by payees. At least quarterly, DWD must reimburse the state treasurer for the state treasurer's administrative expenses, and for any claims that are paid, with respect to that property.

Under current law, if a person owes an outstanding amount for past child or family support or for medical or birth expenses, or is delinquent in making court–ordered child or family support or maintenance payments, the amount that the person owes may be withheld from any state income tax refund or credit owed to the person. Also under current law, if a court orders a person to pay child or family support or maintenance, the court must order the person to pay to DWD an annual receiving and disbursing fee (R&D fee) of $25, in every year for which maintenance, child support, or family support payments are ordered, to pay for DWD's costs associated with receiving and disbursing the maintenance, child support, or family support and maintaining a record of the receipts and disbursements.

This bill increases the R&D fee to $35, beginning with R&D fees payable in 2002, and provides that a person paying the R&D fee must pay it not only in every year for which maintenance, child support, or family support payments are ordered but also in every year in which the person owes an arrearage in any of those payments. The bill provides that, if a person is delinquent in paying the R&D fee, the delinquent amount may be withheld from any state income tax refund or credit owed to the person upon certification of the delinquency by DWD to DOR. Before the refund or credit may be withheld, however, the person is entitled to a court hearing on whether he or she owes the amount that DWD certified to DOR. The bill also requires DWD to study what it would cost DWD to operate the statewide receipt and

disbursement system, which is currently operated by a private party under contract with, and paid by, DWD.

Current law permits a nonprofit corporation that contracts with DHFS to provide social services on the basis of a unit rate per service provided to retain a certain percentage of any surplus that is generated by those services, and to use that retained surplus to cover any deficit incurred in any preceding or future contract period or to address the programmatic needs of its clients. This bill permits a county department that contracts with DHFS to provide social services on that basis to retain any surplus generated by those services provided and to use that retained surplus in the same way that a nonprofit corporation is permitted to retain and use such a surplus under current law. The bill, however, prohibits a county department or a nonprofit corporation providing social services in Milwaukee County from retaining a surplus from revenues that are used to meet the maintenance–of–effort requirement under the federal TANF program.

Under current law, the adolescent pregnancy prevention and pregnancy services board (APPPS board), which is attached to DHFS for administrative purposes, must award grants to organizations that provide pregnancy prevention programs or pregnancy services to persons under 18 years of age. An organization that receives a grant from the APPPS board must provide matching funds equal to 20% of the grant amount awarded, but may not use any moneys received from the state government toward meeting that matching funds requirement. This bill prohibits an organization that receives a grant from the APPPS board from using moneys received from the federal, as well as the state, government toward meeting the matching funds requirement under the grant. The bill also transfers the APPPS board from DHFS to DOA for administrative purposes.

Under current law, DHFS, or a local health department that acts as an agent of DHFS, issues permits for the operation of hotels, restaurants, temporary restaurants, tourist rooming houses, bed and breakfast establishments, vending machine commissaries, vending machines, campgrounds, camping resorts, recreational and educational camps, and public swimming pools. DHFS must promulgate rules establishing permit fees, preinspection fees, and late fees (DHFS fees) for untimely permit renewal for those establishments that DHFS directly regulates. For establishments that are directly regulated by a local health department that is granted agency status by DHFS, however, the local health department must establish its own fees and must impose both its own fees and fees (entitled "state fees"). The state fees may be no more than 20% of the DHFS fees and must be reimbursed to DHFS. This bill requires that, for establishments that DHFS directly regulates, DHFS promulgate rules establishing additional DHFS fees for reinspection, operating without a permit, comparable compliance or variance requests, and pre–permit review of restaurant plans.

Currently, a permit to operate a restaurant that operates at a fixed location in conjunction with an event such as a fair (a "temporary restaurant") may be applied

to a premises other than that for which it was issued if DHFS or a local health department approves. A person who operates a bed and breakfast establishment for more than ten nights in a calendar year must obtain a biennial permit from DHFS. DHFS or a local health department that acts as an agent of DHFS may not without a preinspection provide a permit for operation of a new, or newly operated, hotel, tourist rooming house, bed and breakfast establishment, restaurant, or vending machine commissary.

This bill eliminates the authority of DHFS or a local health department to approve applying the permit for a temporary restaurant to a location other than that for which it was originally issued. The bill requires that a person operating a bed and breakfast establishment for more than ten nights in a calendar year obtain an annual, rather than a biennial, permit from DHFS. The bill prohibits DHFS or a local health department acting as a DHFS agent from providing, without a preinspection, a permit for operation for a new, or newly operated, public swimming pool, campground, or recreational or educational camp.

Under current law, DHFS may recover from property left by a decedent who received certain benefits, such as MA, up to the amount that DHFS paid on behalf of the decedent for the benefits. If the decedent's solely owned property in this state does not exceed $20,000 in value, no person has commenced a procedure for administering the decedent's estate, and the decedent is not survived by a spouse, disabled child, or child under the age of 21, DHFS may receive the decedent's property by presenting the person who has the property with an affidavit showing that the requirements for DHFS's recovery of benefits paid are fulfilled. DHFS is prohibited, however, from collecting from any of the decedent's property that consists of interests in or liens on real property; wearing apparel; jewelry; household furniture, furnishings, or appliances; motor vehicles; or recreational vehicles.

This bill eliminates this prohibition and, instead, requires DHFS to reduce the amount that it may recover by up to a specified amount (currently, $5,000), if the reduction is necessary to allow the decedent's heirs to retain property of the decedent consisting of wearing apparel and jewelry held for personal use; household furniture, furnishings, and appliances; and other tangible personal property, worth up to $3,000, not used in trade, agriculture, or other business.

Under current law, if a decedent left solely owned property not exceeding $20,000 in value, an heir may have any of the property, including an interest in real property, transferred to himself or herself by presenting the person holding the property with an affidavit containing certain information. This bill provides that, if an interest in real property of a decedent is transferred to an heir by affidavit, DHFS has a lien on that interest in real property if the decedent does not have a surviving spouse or child who is under age 21 or disabled. If the decedent has a surviving spouse or child who is under age 21 or disabled, DHFS has a lien on the interest in real property only if the real property was the decedent's home. DHFS may enforce its lien by foreclosure, in the same manner as a mortgage, but not while the decedent's spouse, if any, or child who is under age 21 or disabled, if any, is alive.

Under current law, financial institutions must participate in a financial record matching program operated by DWD for the purpose of determining whether a person who owes child support or maintenance (formerly called alimony) has an account at a particular financial institution. Under this bill, DWD must reimburse a financial institution up to $125 per quarter for its participation in the program. Under current law, DWD must provide by rule for a reimbursement amount that does not exceed a financial institution's actual cost.

INSURANCE

Current law prohibits an insurance stock or mutual corporation from being a party to a contract that has the effect of delegating to a person, to the substantial exclusion of the board of the insurance stock or mutual corporation, any management control of the corporation or of a major corporate function, such as underwriting or loss adjustment. Current law provides exceptions, however, for health maintenance organizations, limited service health organizations, and preferred provider plans if the person to whom the management authority is delegated exercises the authority according to the terms of a written contract that is filed with, and not disapproved by, OCI. This bill eliminates these exceptions effective January 1, 2004.

Current law sets out the various services provided by OCI for which fees must be paid and specifies the fee amounts. This bill provides that the fee amounts in the statute apply unless OCI specifies a different amount by rule, and authorizes OCI to provide for different fee amounts by rule, to provide for maximum fee amounts in any such rule, and to charge less than the maximum amount specified in the rule.

LOCAL GOVERNMENT

Under current law, a municipality receives a shared revenue payment based on the municipality's population. This bill eliminates the current shared revenue payment to a municipality based on population.

Under current law, a municipality also receives an aidable revenues payment that is equal to the product of the municipality's aidable revenues and the municipality's tax base weight. Aidable revenues are, generally, revenues raised by the municipality, such as local taxes and regulation revenues. Tax base weight is based, generally, on the value of property in the municipality compared to the municipality's population. This bill eliminates a municipality's aidable revenues payment.

This bill creates an aidable expenditures payment for a municipality. The bill also creates a "growth–sharing region" payment for a municipality. Beginning in 2002, a municipality receives an aidable expenditures payment that is equal to the product of the municipality's aidable expenditures and the municipality's tax base weight. Aidable expenditures include a municipality's expenditures for general government operations; law enforcement, fire protection, ambulance services, and other public safety services; and health and human services. Aidable expenditures do not include a municipality's expenditures for highway maintenance,

administration, or construction; road–related facilities or other transportation; solid waste collection and disposal or other sanitation; culture; education; parks and recreation; conservation; or development.

DOR must annually determine the amount of each municipality's aidable expenditures, which is the lesser of: 1) the amount of the municipality's aidable expenditures in the year that was two years before the municipality receives an aidable expenditures payment; or 2) the average of the municipality's aidable expenditures in 1998, 1999, and 2000, adjusted for inflation and for the property value in the municipality.

Under the bill, a municipality in a growth–sharing region may also receive a growth–sharing region payment. DOR must define "growth–sharing region" by rule and in such way so that the state consists of at least seven but not more than 25 growth–sharing regions. A municipality will receive a growth–sharing region payment if the municipality limits the annual increase in its municipal budget to the allowable increase, based on the inflation rate and the property value in the municipality, to qualify for the expenditure restraint program under current law and if the municipality enters into an area cooperation compact (compact).

Beginning in 2002 and ending in 2005, to receive a payment, a municipality must enter into a compact with at least two municipalities or counties, or with any combination of at least two such entities, to perform at least two specified functions. Beginning in 2006, to receive a payment, a municipality must enter into a compact with at least four municipalities or counties, or with any combination of at least four such entities, to provide law enforcement and to perform at least five of the following functions: housing, emergency services, fire protection, solid waste collection and disposal, recycling, public health, animal control, transportation, mass transit, land use planning, boundary agreements, libraries, parks and recreation, culture, purchasing, and electronic government.

A compact must provide a plan for any municipalities or counties that enter into the compact to collaborate to provide the specified functions. Annually, the municipality that is to receive a payment must certify to DOR that the municipality has complied with all of the compact requirements.

The total amount of the growth–sharing region payments allocated to all growth–sharing regions is an amount equal to the sales and use taxes collected in the state in a year multiplied by .05. Each growth–sharing region is allocated an amount that is proportional to the sales and use taxes that are collected in the region. A municipality that is eligible to receive a growth–sharing payment receives an amount, from the amount allocated to the growth–sharing region in which the municipality is located, in proportion to its population within the growth–sharing region.

Under current law, a city, village, or town (municipality) is authorized to impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. A municipality may also impose a special charge against real property in an adjacent municipality for current services rendered by the municipality imposing the special charge, if the

municipality in which the property is located approves the imposition. A "service" under current law includes snow and ice removal, repair of sidewalks or curb and gutter, garbage and refuse disposal, and other similar services. If not paid on time, a delinquent special charge becomes a lien on the property against which it is imposed.

A recent court of appeals decision, *Town of Janesville v. Rock County*, 153 Wis. 2d 538, 546–547 (Ct. App. 1989), interpreted current law to mean that special charges may be imposed "only for services which are actually performed" and that the statute limits a municipality to "charging only for services actually provided and not for services that may be available but not utilized."

Under this bill, special charges may be imposed for services that are available, without regard to whether the services are actually rendered, and may be allocated to the property that is served or that is eligible to be served. This change also applies to special charges imposed against real property in an adjacent municipality, under the same terms and conditions that exist under current law.

Under current law, the Environmental Remediation Tax Incremental Financing Program (ERTIP) permits a city, village, town, or county (political subdivision) to defray the costs of remediating contaminated property that is owned by the political subdivision. The mechanism for financing costs that are eligible for remediation is very similar to the mechanism under the tax incremental financing program. If the remediated property is transferred to another person and is then subject to property taxation, environmental remediation tax incremental financing may be used to allocate some of the property taxes that are levied on the property to the political subdivision to pay for the costs of remediation. This bill makes technical changes to ERTIP, including definitional changes; creating procedures for the termination of an environmental remediation tax incremental district (ERTID); requiring that the final report under the program include an independent certified financial audit; requiring that DOR be provided with a final accounting of the ERTID's project expenditures and the final amount of eligible costs that have been paid for an ERTID; and modifying certain provisions of the program to apply to contiguous parcels of property or land, as well as to a parcel of property or land.

Under current law, a municipality may sell or lease any public utility plant that it owns only by completing a number of steps that must be performed according to a specified time table, including enacting an ordinance or resolution that summarizes the proposed terms of a sale or lease and that authorizes the negotiation of a preliminary agreement with a prospective purchaser and submitting the proposed transaction to the electors of the municipality for a referendum. This bill eliminates all of the steps that must be completed under current law and allows a municipality to sell or lease any public utility plant it owns in any manner that it considers appropriate.

Under current law, a register of deeds may charge a fee to provide copies of documents that are recorded in his or her office and to certify the copies. Currently,

the copying fees are $2 for the first page of a document and $1 for each additional page, plus 25 cents to certify the copy of the document. None of these fees apply to DOR, however. This bill increases the certification fee to $1.

Under current law, the Milwaukee board of police and fire commissioners is required to conduct a city–wide communications media campaign to educate the public about the legal consequences of unlawful possession and use of firearms, with the goal of deterring both. Current law also requires the state to provide money to the board for that media campaign. This bill eliminates the media campaign requirement and the reimbursement for it.

NATURAL RESOURCES

WILD ANIMALS AND PLANTS

This bill authorizes DNR to issue elk hunting licenses to residents and nonresidents and otherwise to regulate the hunting of elk in this state. The bill allows DNR to make available only to state residents up to 99% of all the elk hunting licenses available in each year. The bill authorizes DNR to select at random who will be issued these licenses if the number of applicants exceeds the number of licenses available. Under the bill, a person must have completed an elk hunter education course in this state or another state or province to be eligible for a license. The bill requires DNR to establish an elk hunter education course.

A person may be issued a license only once in his or her lifetime, and the license may be used in only one elk hunting season. The license authorizes the hunting of elk with bows and arrows, as well as with firearms, unless the licensee is eligible for a crossbow permit under current law due to physical disabilities.

The bill specifically bans the keeping of elk on game farms, on deer farms, and in wildlife exhibits.

This bill authorizes DNR to establish a program to protect aquatic plants that are native to this state and to regulate the introduction, cultivation, and control (management) of aquatic plants. The bill defines controlling aquatic plants to mean cutting, removing, destroying, or suppressing aquatic plants.

Under current law, the only specific authority DNR has regarding aquatic plant management is the authority to develop a statewide program to control purple loosestrife. Under the new program, the types of aquatic plants that will be regulated include Eurasian water milfoil, curly leaf pondweed, and purple loosestrife. Under the program, with certain exceptions, DNR must issue aquatic plant management permits and promulgate rules to regulate the conditions under which aquatic plants may be managed. The bill prohibits any person who does not have such a permit from cultivating or introducing aquatic plants that are not native to this state, from manually removing any type of aquatic plant from navigable waters, and from controlling any type of aquatic plants by the use of chemicals. The bill repeals the current law that makes the failure to remove cut aquatic weeds from a navigable water a nuisance.

Under current law, DNR issues various hunting, trapping, and fishing licenses and permits. Those licenses and permits must contain certain information including the name and address of the holder. The agent that issues the licenses and permits must also sign them. Current law also specifies that DNR may require any stamp that it issues to bear the signature of the holder of the stamp. This bill eliminates the requirement that hunting, trapping, and fishing licenses and permits be signed by the issuing agent and that stamps bear the signature of the holder.

Under current law, DNR administers a program under which counties receive reimbursement for accepting deer carcasses, having them processed into venison, and then donating the venison to charitable organizations. To participate, a county must participate in the administration of the wildlife damage abatement and claim programs. These three programs are funded from the wildlife damage surcharge that DNR collects with certain hunting license fees. Current law requires that, from the wildlife surcharge moneys, DNR make the payments under the venison processing program after it has made the payments required under the wildlife damage abatement and claim programs.

This bill provides funding for the venison processing program by establishing a voluntary contribution of at least $1 that a person may pay when being issued a hunting license. Under the bill, DNR makes payments under the venison processing program from these contributed moneys. If the contributed moneys are not adequate, DNR will also use wildlife damage surcharge moneys for payments for processing venison from deer killed in special seasons established to control the deer population.

The bill authorizes DNR to establish a master hunter education program to provide instruction on such topics as wildlife damage and the responsibilities of hunters to landowners. Completion of this program is not a requirement for the issuance of any hunting license or permit.

The bill uses Indian gaming receipts for the costs of managing the state's deer population.

Under current law, certain natural bodies of water may be used as fish farms or as parts of fish farms. This bill specifies when a fish farm operator may use water from a natural body of water that is not part of a fish farm. The water must be transferred directly to the fish farm and back to the same body of water after use and the transfer must be done by ditches or certain types of equipment. The ditches and equipment must have barriers that prevent the passage of fish.

NAVIGABLE WATERS

Under current law, the Fox River management commission (river commission), is authorized to enter into agreements with the federal government to operate and manage the Fox River navigational system (navigational system), which includes locks, harbors, and other facilities related to navigation that are on or near the Fox River. Under current law, a second commission, the Fox–Winnebago regional management commission (Fox–Winnebago commission), will replace the river

commission when the state receives federal funding for the restoration and repair of the navigational system. The duties and powers of these two commissions are similar; however, these two commissions differ in that the river commission is a state agency attached to DNR and the Fox–Winnebago commission is a regional commission with ten of its thirteen members representing the five counties in which the navigational system is located and the remaining three members being appointed by the governor.

This bill replaces both of these commissions with the Fox River Navigational System Authority (authority). The authority is not a state agency. The board of directors of the authority consists of six members appointed by the governor and the secretary of natural resources, the secretary of transportation, and the director of the state historical society, or their designees.

The bill requires the authority to take over the rehabilitation, repair, replacement, operation, and maintenance of the navigational system after the transfer of the navigational system from the federal government to the state. Once the navigational system is transferred to the state, the state in turn will enter into a lease with the authority to transfer the navigational system to the authority.

For the rehabilitation and repair of the navigational system, the federal government will provide federal funding to the authority in an amount that matches the amount of funding provided by the state to the authority. The state funding will come from the recreational boating aids program that DNR administers.

In order to receive the state funding, the authority must contract with one or more nonprofit corporations to provide marketing and fund–raising services. The funds raised by these corporations will provide the matching amounts for the state funding and will also be used for the rehabilitation and repair of the navigational system.

The bill requires DNR to set aside from the recreational boating aids program for the navigational system $400,000 in each fiscal year for seven fiscal years and requires DNR to release the set–aside funding on an annual basis in amounts to match the amounts raised by the nonprofit corporations. The authority may not issue bonds to raise funding for the navigational system.

In addition to providing fund–raising services for the authority, the nonprofit corporations must invest the funding received by the authority for the rehabilitation and repair of the navigational system. These nonprofit corporations must be based in one or more of the counties in which the navigational system is located.

The bill requires that the authority submit a management plan to DOA that addresses the costs and funding for the rehabilitation, repair, replacement, operation, and maintenance of the navigational system and describes how the authority will manage its funds to ensure that there are sufficient funds available to abandon the navigational system if its operation is no longer feasible. If the operation of the navigational system does become infeasible, the authority must submit a plan for its abandonment. Before abandoning the navigational system, DOA and DNR must determine that the abandonment plan will preserve the public rights in the Fox River and will ensure safety.

Under current law, a person may not have a boat, a boat trailer, or boating equipment in the lower St. Croix River if the person has reason to believe that the boat, equipment, or trailer has zebra mussels attached. This bill provides that a person may not place these items in any navigable water if the person has reason to believe that there is any type of aquatic plant other than wild rice attached to the boat, trailer, or equipment.

Under current law, DNR administers two grant programs to address water quality problems in lakes. Under the first program, DNR awards grants for planning projects to provide information on the use of lakes and their ecosystems and on the quality of water in lakes. These grants are for 75% of the project's costs up to $10,000 per project. Under the second program, DNR awards grants for management projects that will improve or protect the quality of water in lakes or in their ecosystems. Nonprofit conservation organizations, most units of local government, and lake associations that meet certain requirements (qualified lake associations) are eligible for grants under these programs.

This bill makes the following changes to the first program:

1. It increases the $10,000 cap per project to $25,000 for certain lake associations that qualify as "premier" lake associations. To be a premier lake association, the lake association must meet all of the requirements of a qualified lake association and must meet certain additional requirements.

2. It allows certain school districts to be eligible for a grant.

3. It changes the annual membership fee requirements for lake associations that are eligible for these grants.

4. It expands the types of activities that are eligible for a grant.

Under the second program, current law allows a grant recipient to use the grant to restore a wetland if the restoration will improve a lake's water quality or ecosystem. This bill expands this provision to allow a grant recipient to use the grant to restore shoreline habitat. The bill also requires that DNR give higher priority to premier lake associations in awarding grants under the second program.

Under current law, DNR, with approval from the Wisconsin waterways commission, administers a financial assistance program for expenses relating to construction and maintenance of recreational boating facilities, locks, or other facilities that provide access between waterways. Among the projects that qualify for funds under the program is a project for the dredging of a channel in a waterway to the degree that is necessary to accommodate recreational watercraft, if the project is for an inland water. This bill eliminates the requirement that such a project must be for an inland water before it may qualify to receive recreational boating aid funding.

Under current law, a person who wants to conduct an activity that would create, enlarge, or otherwise affect certain waterways must have a permit issued by DNR. Certain activities, including the agricultural use of land, are exempt from this permit

requirement. This bill specifically includes aquaculture as an agricultural use for purposes of this exemption.

Under current law, a person who wants to divert water from a stream for agricultural use must have a permit issued by DNR. This bill specifically includes aquaculture as an agricultural use for purposes of this requirement.

Under current law, DNR administers a dam safety program that is funded by state bonding and that provides matching grants to municipalities and public inland lake protection and rehabilitation districts for the purpose of conducting dam safety projects that DNR has determined necessary. Under this bill, DNR must provide up to $250,000 in funding from this program to the village of Cazenovia for the repair of a dam located in the village.

RECREATION

This bill increases most annual vehicle admission fees that DNR collects for the entry of vehicles to state parks and other recreational areas under the jurisdiction of DNR. The bill also increases the daily vehicle admission fee for the entry of vehicles that have registration plates from another state.

Under current law, DNR administers a registration program for snowmobiles. This bill requires that $15 of each fee collected for a snowmobile trail use sticker be used to provide supplemental funding for the maintenance of snowmobile trails. A trail use sticker issued by DNR is required on all snowmobiles that are operated but not registered in this state. Supplemental funding is available for maintenance of trails if the actual cost of maintenance exceeds the amount determined under the trail aids formula, which sets a maximum amount per mile of trail. The bill increases the fee for a trail use sticker. The bill also raises the general registration fee for snowmobiles and the registration fees paid by snowmobile manufacturers and dealers.

Under current law, DNR administers the registration system for all–terrain vehicles (ATVs), boats, and snowmobiles. Current law authorizes DNR to appoint agents who are not employed by DNR to issue ATV and snowmobile registration certificates and certificates of number and registration certificates for boats. Also under current law, DNR may establish an expedited service for renewals of these registration documents, which may be provided by the agents or by DNR directly. Current law imposes issuing fees when the documents are issued by agents and authorizes an expedited service fee when the expedited service is provided by DNR or agents. The agents keep a portion of these fees.

This bill changes the expedited service system by authorizing the establishment of a noncomputerized procedure and a computerized procedure for issuing original and duplicate registration documents and for transferring and renewing these documents. Under either procedure, DNR or the agents issue adequate documentation so that the registrant is able to immediately operate the ATV, boat, or snowmobile in compliance with the applicable registration laws. Under