

1 101.937 (2) PERMANENT IMPROVEMENTS. A mobile manufactured home park
2 operator may make a reasonable recovery of capital costs for permanent
3 improvements related to the provision of water or sewer service to mobile
4 manufactured home park occupants through ongoing rates for water or sewer
5 service.

6 *~~2007/2.30~~* SECTION 3005. 196.498 (4) of the statutes is renumbered 101.937
7 (3) and amended to read:

8 101.937 (3) ENFORCEMENT. (a) ~~Notwithstanding s. 196.44, on~~ On its own motion
9 or upon a complaint filed by a mobile manufactured home park occupant, the
10 commission department may issue an order or commence a civil action against a
11 mobile manufactured home park operator or mobile manufactured home park
12 contractor to enforce this section, any rule promulgated under sub. (2) (1), or any
13 order issued under this paragraph.

14 (b) The department of justice, after consulting with the commission
15 department, or any district attorney may commence an action in circuit court to
16 enforce this section.

17 *~~2007/2.31~~* SECTION 3006. 196.498 (5) of the statutes is renumbered 101.937
18 (4) and amended to read:

19 101.937 (4) PRIVATE CAUSE OF ACTION. Any person suffering pecuniary loss
20 because of a violation of any rule promulgated under sub. (2) (1) or order issued under
21 sub. (4) (3) (a) may sue for damages and shall recover twice the amount of any
22 pecuniary loss, together with costs, and, notwithstanding s. 814.04 (1), reasonable
23 attorney fees.

24 *~~2007/2.32~~* SECTION 3007. 196.498 (6) of the statutes is renumbered 101.937
25 (5) and amended to read:

1 101.937 (5) PENALTIES. (a) Any person who violates any rule promulgated
2 under sub. (2) (1) or any order issued under sub. (4) (3) (a) shall forfeit not less than
3 \$25 nor more than \$5,000. Each violation and each day of violation constitutes a
4 separate offense.

5 (b) Any person who intentionally violates any rule promulgated under sub. (2)
6 (1) or order issued under sub. (4) (3) (a) shall be fined not less than \$25 nor more than
7 \$5,000 or imprisoned not more than one year in the county jail or both. Each violation
8 and each day of violation constitutes a separate offense.

9 ***b0318/1.1* SECTION 3008m.** 196.52 (9) of the statutes is created to read:

10 196.52 (9) (a) In this subsection, “leased generation contract” means a contract
11 or arrangement under which an affiliated interest of a public utility agrees to
12 construct or improve electric generating equipment and associated facilities and to
13 lease to the public utility land and such equipment and facilities for operation by the
14 public utility.

15 (b) The commission may approve a leased generation contract under sub. (3)
16 only if all of the following apply:

17 1. The commission has not issued a certificate under s. 196.49 or a certificate
18 of public convenience and necessity under s. 196.491 (3) before January 1, 2001, for
19 any construction or improvement that is subject to the leased generation contract.

20 2. Construction or improvement of the electric generating equipment and
21 associated facilities that is subject to the leased generation contract commences on
22 or after January 1, 2001.

23 3. No electric generating equipment and associated facilities, or electric
24 generating equipment, held or used by the public utility for the provision of electric
25 service is transferred to the affiliated interest.

1 4. The estimated gross cost of the construction or improvement that is subject
2 to the leased generation contract is at least \$10,000,000.

3 5. Any real property that the public utility transfers to the affiliated interest
4 for the purpose of implementing the leased generation contract is transferred at book
5 value which is determined on the basis of the regulated books of account at the time
6 of the transfer.

7 6. If the public utility transfers real property to the affiliated interest for the
8 purpose of implementing the leased generation contract, the leased generation
9 contract provides for transferring the real property back to the public utility, on the
10 same terms and conditions as the original transfer, if the commission determines
11 that the construction or improvement that is subject to the leased generation
12 contract has not been completed.

13 7. The leased generation contract provides that, upon termination of the
14 contract, all of the following apply:

15 a. The public utility shall have the option, subject to commission approval, to
16 extend the contract, or purchase the electric generating equipment and associated
17 facilities that are constructed or improved, at fair market value as determined by a
18 valuation process that is conducted by an independent third party and that is
19 specified in the contract.

20 b. If the public utility exercises the option specified in subd. 7. a., the affiliated
21 interest may require the public utility to extend the contract, rather than purchase
22 the equipment and facilities, if the affiliated interest demonstrates to the
23 commission that the extension avoids material adverse tax consequences.

1 8. For any gas-fired electric generating equipment and associated facilities
2 that are constructed under the leased generation contract, the term of the lease is
3 20 years or more.

4 9. For any coal-fired electric generating equipment and associated facilities
5 that are constructed under the leased generation contract, the term of the lease is
6 25 years or more.

7 10. The leased generation contract does not take effect until the date on which
8 the affiliated interest commences construction or improvement of the electric
9 generating equipment and associated facilities, except that, if the leased generation
10 contract relates to the construction or improvement of more than one electric
11 generating facility, the leased generation contract does not take effect with respect
12 to the construction or improvement of an individual electric generating facility until
13 the date on which the affiliated interest commences construction or improvement on
14 that electric generating facility.

15 (c) Except as provided in par. (d), the commission may not increase or decrease
16 the retail revenue requirements of a public utility on the basis of any income,
17 expense, gain, or loss that is received or incurred by an affiliated interest of the public
18 utility and that arises from the ownership of electric generating equipment and
19 associated facilities by an affiliated interest under a leased generation contract.

20 (d) The commission shall allow a public utility that has entered into a leased
21 generation contract that has been approved by the commission under sub. (3) to
22 recover fully in its retail rates that portion of any payments under the leased
23 generation contract that is allocated to the public utility's retail electric service, and
24 that portion of all other costs that is prudently incurred in the public utility's
25 operation and maintenance of the electric generating equipment and associated

1 facilities constructed or improved under the leased generation contract and that is
2 allocated to the public utility's retail electric service.

3 (e) Notwithstanding sub. (5) (a), the commission may not modify a leased
4 generation contract approved under sub. (3) except as specified in the leased
5 generation contract or the commission's order approving the leased generation
6 contract.

7 (f) The commission shall maintain jurisdiction to ensure that the construction
8 or improvement under a leased generation contract approved under sub. (3) is
9 completed as provided in the leased generation contract.

10 (g) Nothing in this subsection prohibits a cooperative association organized
11 under ch. 185, a municipal utility, as defined in s. 196.377 (2) (a) 3., or a municipal
12 electric company, as defined in s. 66.0825 (3) (d), from acquiring an interest in electric
13 generating equipment and associated facilities that are constructed pursuant to a
14 leased generation contract or from acquiring an interest in land on which such
15 electric generating equipment and associated facilities are located.

16 *b0006/15.31* SECTION 3011d. 196.66 (3) (b) 1. and 3. of the statutes are
17 amended to read:

18 196.66 (3) (b) 1. The appropriateness of the forfeiture to the volume of business
19 of the public utility or telecommunications provider.

20 3. Any good faith attempt to achieve compliance after the public utility,
21 telecommunications provider, agent, director, officer, or employee receives notice of
22 the violation.

23 *b0318/1.2* SECTION 3011g. 196.795 (5) (k) 1. of the statutes is amended to
24 read:

1 196.795 (5) (k) 1. Except as provided under subd. 2. or 3., no public utility
2 affiliate may transfer, sell, or lease to any nonutility affiliate with which it is in a
3 holding company system any real property which, on or after November 28, 1985, is
4 held or used for provision of utility service except by public sale or offering to the
5 highest qualified bidder.

6 ***b0318/1.2* SECTION 3011j.** 196.795 (5) (k) 3. of the statutes is created to read:

7 196.795 (5) (k) 3. A public utility affiliate may transfer, at book value
8 determined on the basis of the regulated books of account at the time of the transfer,
9 real property, other than electric generating equipment and associated facilities, or
10 electric generating equipment, that is held or used for the provision of utility service,
11 to a nonutility affiliate for the purpose of implementing a leased generation contract,
12 as defined in s. 196.52 (9) (a), that is approved under s. 196.52 (3).

13 ***-2154/1.2* SECTION 3012.** 196.85 (1) of the statutes is renumbered 196.85 (1)
14 (a) and amended to read:

15 196.85 (1) (a) If the commission in a proceeding upon its own motion, on
16 complaint, or upon an application to it deems it necessary in order to carry out the
17 duties imposed upon it by law to investigate the books, accounts, practices, and
18 activities of, or make appraisals of the property of any public utility, power district,
19 or sewerage system or to render any engineering or accounting services to any public
20 utility, power district, or sewerage system, the public utility, power district, or
21 sewerage system shall pay the expenses attributable to the investigation, including
22 the cost of litigation, appraisal, or service. The commission shall mail a bill for the
23 expenses to the public utility, power district, or sewerage system either at the
24 conclusion of the investigation, appraisal, or services, or during its progress. The bill
25 constitutes notice of the assessment and demand of payment. The public utility,

1 power district, or sewerage system shall, within 30 days after the mailing of the bill,
2 pay to the commission the amount of the special expense for which it is billed. Ninety
3 percent of the payment shall be credited to the appropriation account under s. 20.155
4 (1) (g). The

5 (b) Except as provided in sub. (1m) (a), the total amount in any one calendar
6 year for which any public utility, power district, or sewerage system is liable under
7 this subsection, by reason of costs incurred by the commission within the calendar
8 year, including charges under s. 201.10 (3), may not exceed four-fifths of one percent
9 of its gross operating revenues derived from intrastate operations in the last
10 preceding calendar year.

11 (c) Nothing in this subsection shall prevent the commission from rendering
12 bills in one calendar year for costs incurred within a previous year.

13 (d) For the purpose of calculating the costs of investigations, appraisals, and
14 other services under this subsection, 90% of the costs determined shall be costs of the
15 commission and 10% of the costs determined shall be costs of state government
16 operations.

17 ***-2154/1.3* SECTION 3013.** 196.85 (1m) (a) of the statutes is amended to read:
18 196.85 (1m) (a) For the purpose of direct assessment under sub. (1) of expenses
19 incurred by the commission in connection with its activities under s. 196.491, the
20 term “public utility” includes electric utilities, as defined in s. 196.491 (1) (d).
21 Subsection (1) (b) does not apply to assessments for the commission’s activities under
22 s. 196.491 related to the construction of wholesale merchant plants.

23 ***b0269/2.6* SECTION 3014b.** 196.85 (2g) of the statutes is repealed.

24 ***-2007/2.34* SECTION 3015.** 196.85 (3) of the statutes is amended to read:

1 196.85 (3) If any public utility, sewerage system, joint local water authority,
2 ~~mobile home park operator~~ or power district is billed under sub. (1), (2), or (2e) ~~or~~ (2g)
3 and fails to pay the bill within 30 days or fails to file objections to the bill with the
4 commission, as provided in this subsection, the commission shall transmit to the
5 state treasurer a certified copy of the bill, together with notice of failure to pay the
6 bill, and on the same day the commission shall mail by registered mail to the public
7 utility, sewerage system, joint local water authority, ~~mobile home park operator~~ or
8 power district a copy of the notice ~~which that~~ it has transmitted to the state treasurer.
9 Within 10 days after receipt of the notice and certified copy of the bill, the state
10 treasurer shall levy the amount stated on the bill to be due, with interest, by distress
11 and sale of any property, including stocks, securities, bank accounts, evidences of
12 debt, and accounts receivable belonging to the delinquent public utility, sewerage
13 system, joint local water authority, ~~mobile home park operator~~ or power district. The
14 levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall
15 be made by the state treasurer and that goods and chattels anywhere within the state
16 may be levied upon.

17 *~~2007/2.35~~* SECTION 3016. 196.85 (4) (a) of the statutes is amended to read:

18 196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub.
19 (1), (2), or (2e) ~~or~~ (2g), the public utility, sewerage system, joint local water authority,
20 ~~mobile home park operator~~ or power district that has been billed may file with the
21 commission objections setting out in detail the grounds upon which the objector
22 regards the bill to be excessive, erroneous, unlawful, or invalid. The commission,
23 after notice to the objector, shall hold a hearing upon the objections, from 5 to 10 days
24 after providing the notice. If after the hearing the commission finds any part of the
25 bill to be excessive, erroneous, unlawful, or invalid, it shall record its findings upon

1 its minutes and transmit to the objector by registered mail an amended bill, in
2 accordance with the findings. The amended bill shall have the same force and effect
3 under this section as an original bill rendered under sub. (1), (2), or (2e) or (2g).

4 ***-2007/2.36* SECTION 3017.** 196.85 (5) of the statutes is amended to read:

5 196.85 (5) No suit or proceeding may be maintained in any court to restrain or
6 delay the collection or payment of any bill rendered under sub. (1), (2), or (2e) or (2g).
7 Every public utility, sewerage system, joint local water authority, ~~mobile home park~~
8 ~~operator~~ or power district that is billed shall pay the amount of the bill, and after
9 payment may in the manner provided under this section, at any time within 2 years
10 from the date the payment was made, sue the state to recover the amount paid plus
11 interest from the date of payment, upon the ground that the assessment was
12 excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
13 any part of the bill for which payment was made was excessive, erroneous, unlawful,
14 or invalid, the state treasurer shall make a refund to the claimant as directed by the
15 court. The refund shall be charged to the appropriations to the commission.

16 ***b0315/1.4* SECTION 3017m.** 196.856 of the statutes is repealed.

17 ***-1857/5.113* SECTION 3018.** 196.858 (1) of the statutes is amended to read:

18 196.858 (1) The commission shall annually assess against local exchange and
19 interexchange telecommunications utilities the total, not to exceed \$5,000,000, of the
20 amounts appropriated under s. ~~20.505 (4) (is)~~ 20.530 (1) (ir).

21 ***-1857/5.114* SECTION 3019.** 196.858 (2) of the statutes is amended to read:

22 196.858 (2) The commission shall assess a sum equal to the annual total
23 amount under sub. (1) to local exchange and interexchange telecommunications
24 utilities in proportion to their gross operating revenues during the last calendar year.
25 If total expenditures for telephone relay service exceeded the payment made under

1 this section in the prior year, the commission shall charge the remainder to assessed
2 telecommunications utilities in proportion to their gross operating revenues during
3 the last calendar year. A telecommunications utility shall pay the assessment within
4 30 days after the bill has been mailed to the assessed telecommunication utility. The
5 bill constitutes notice of the assessment and demand of payment. Payments shall
6 be credited to the appropriation account under s. ~~20.505 (4) (is)~~ 20.530 (1) (ir).

7 ***1857/5.115*** SECTION 3024. 221.0320 (3) (a) of the statutes is amended to
8 read:

9 221.0320 (3) (a) In this subsection, “local governmental unit” has the meaning
10 given in s. ~~16.97~~ 22.01 (7).

11 ***0726/5.10*** SECTION 3029. 224.71 (3) (b) 7. of the statutes is created to read:

12 224.71 (3) (b) 7. The department of veterans affairs when administering the
13 veteran’s housing loan program under subch. II of ch. 45.

14 ***b0684/2.3*** SECTION 3037m. 229.685 (1) of the statutes is renumbered
15 229.685 (1) (intro.) and amended to read:

16 229.685 (1) (intro.) The district board shall maintain a special fund into which
17 it deposits only the following revenue received from the department of revenue;

18 (a) The revenue that is derived from the taxes imposed under subch. V of ch.
19 ~~77, and may use this.~~ The revenue described in this paragraph may be used only for
20 purposes related to baseball park facilities.

21 ***b0684/2.3*** SECTION 3037n. 229.685 (1) (b) of the statutes is created to read:

22 229.685 (1) (b) The revenue that is derived from baseball donations, as defined
23 in s. 71.10 (5f) (a) 1. The revenue described in this paragraph may be used only for
24 the purpose of retiring bonds issued for the initial construction of baseball park
25 facilities.

1 ***-1335/7.61*** SECTION 3038. 230.03 (3) of the statutes is amended to read:

2 230.03 (3) “Agency” means any board, commission, committee, council, or
3 department in state government or a unit thereof created by the constitution or
4 statutes if such board, commission, committee, council, department, unit, or the
5 head thereof, is authorized to appoint subordinate staff by the constitution or
6 statute, except a legislative or judicial board, commission, committee, council,
7 department, or unit thereof or an authority created under ~~ch.~~ chs. 231, 232, 233, 234
8 ~~or~~, 235, or 237. “Agency” does not mean any local unit of government or body within
9 one or more local units of government that is created by law or by action of one or more
10 local units of government.

11 ***-1857/5.116*** SECTION 3048. 230.08 (2) (e) 1. of the statutes is amended to
12 read:

13 230.08 (2) (e) 1. Administration — ~~12~~ 10.

14 ***-0985/8.47*** SECTION 3049. 230.08 (2) (e) 3m. of the statutes is amended to
15 read:

16 230.08 (2) (e) 3m. Educational communications board — 4. If the secretary of
17 administration determines that the federal communications commission has
18 approved the transfer of all broadcasting licenses held by the educational
19 communications board to the broadcasting corporation as defined in s. 39.81 (2), this
20 subdivision does not apply on and after the effective date of the last license
21 transferred as determined by the secretary of administration under s. 39.87 (2) (a).

22 ***-1857/5.117*** SECTION 3050. 230.08 (2) (e) 3r. of the statutes is created to read:

23 230.08 (2) (e) 3r. Electronic government — 3.

24 ***-0985/8.48*** SECTION 3052. 230.08 (2) (km) of the statutes is created to read:

1 230.08 (2) (km) Persons employed by the department of administration who
2 were transferred to the department of administration under s. 39.86 (4) and who
3 immediately before their transfer occupied a position described under par. (e) 3m.,
4 (L) 2. or (we).

5 ***-0985/8.49*** SECTION 3053. 230.08 (2) (L) 2. of the statutes is amended to read:

6 230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).
7 If the secretary of administration determines that the federal communications
8 commission has approved the transfer of all broadcasting licenses held by the
9 educational communications board to the broadcasting corporation, as defined in s.
10 39.81 (2), this subdivision does not apply on and after the effective date of the last
11 license transferred as determined by the secretary of administration under s. 39.87
12 (2) (a).

13 ***-0985/8.50*** SECTION 3056. 230.08 (2) (we) of the statutes is amended to read:

14 230.08 (2) (we) Professional staff members of the educational communications
15 board authorized under s. 39.13 (2). If the secretary of administration determines
16 that the federal communications commission has approved the transfer of all
17 broadcasting licenses held by the educational communications board to the
18 broadcasting corporation, as defined in s. 39.81 (2), this paragraph does not apply on
19 and after the effective date of the last license transferred as determined by the
20 secretary of administration under s. 39.87 (2) (a).

21 ***-0751/2.1*** SECTION 3057. 230.08 (2) (xm) of the statutes is created to read:

22 230.08 (2) (xm) The commandant of the Southern Wisconsin Veterans
23 Retirement Center in the department of veterans affairs.

24 ***-0985/8.51*** SECTION 3059. 230.08 (4) (a) of the statutes is amended to read:

1 230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)
2 includes all administrator positions specifically authorized by law to be employed
3 outside the classified service in each department, board or commission and the
4 historical society. ~~In~~ Except as provided in par. (am), in this paragraph,
5 “department” has the meaning given under s. 15.01 (5), “board” means the
6 educational communications board, investment board, public defender board and
7 technical college system board and “commission” means the public service
8 commission. Notwithstanding sub. (2) (z), no division administrator position
9 exceeding the number authorized in sub. (2) (e) may be created in the unclassified
10 service.

11 *~~0985/8.52~~* SECTION 3060. 230.08 (4) (am) of the statutes is created to read:

12 230.08 (4) (am) If the secretary of administration determines that the federal
13 communications commission has approved the transfer of all broadcasting licenses
14 held by the educational communications board to the broadcasting corporation, as
15 defined in s. 39.81 (2), on and after the effective date of the last license transferred
16 as determined by the secretary of administration under s. 39.87 (2) (a), “board” in par.
17 (a) means the investment board, public defender board, and technical college system
18 board.

19 *~~b0571/1.5~~* SECTION 3061m. 230.12 (3) (e) of the statutes is amended to read:

20 230.12 (3) (e) *University of Wisconsin system senior executives, faculty and*
21 *academic staff employees.* The secretary, after receiving recommendations from the
22 board of regents, shall submit to the joint committee on employment relations a
23 proposal for adjusting compensation and employee benefits for employees under ss.
24 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective
25 bargaining unit under subch. V of ch. 111 for which a representative is certified. The

1 proposal shall include the salary ranges and adjustments to the salary ranges for the
2 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).
3 The proposal shall be based upon the competitive ability of the board of regents to
4 recruit and retain qualified faculty and academic staff, data collected as to rates of
5 pay for comparable work in other public services, universities and commercial and
6 industrial establishments, recommendations of the board of regents and any special
7 studies carried on as to the need for any changes in compensation and employee
8 benefits to cover each year of the biennium. The proposal shall also take proper
9 account of prevailing pay rates, costs and standards of living and the state's
10 employment policies. The proposal for such pay adjustments may contain
11 recommendations for across-the-board pay adjustments, merit or other
12 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
13 shall apply to the process for approval of all pay adjustments for such employees
14 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved
15 by the joint committee on employment relations and the governor shall be based
16 upon a percentage of the budgeted salary base for such employees under ss. 20.923
17 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit
18 and adjustments other than across-the-board pay adjustments is available for
19 discretionary use by the board of regents.

20 ***-0695/2.2* SECTION 3079.** 230.35 (1m) (a) 5. of the statutes is created to read:
21 230.35 (1m) (a) 5. A position held by an employee of the state fair park board
22 who was employed on October 29, 1999, in a career executive position under the
23 program established under s. 230.24.

24 ***-2411/3.33* SECTION 3080.** 230.35 (3) (a) of the statutes is amended to read:

1 230.35 (3) (a) Officials and employees of the state who have permanent status
2 and who are members of the national guard, the naval militia, the state defense force,
3 or any other reserve component of the military forces of the United States or this
4 state now or hereafter organized or constituted under federal or state law, are
5 entitled to leaves of absence without loss of time in the service of the state, to enable
6 them to attend military schools and annual field training or annual active duty for
7 training, and any other state or federal tours of active duty, except extended active
8 duty or service as a member of the active armed forces of the United States which
9 have been duly ordered but not exceeding 30 days, excluding Saturdays, Sundays
10 and holidays enumerated in sub. (4) in the calendar year in which so ordered and
11 held. During this leave of absence, each state official or employee shall receive base
12 state pay less the base military pay received for and identified with such attendance
13 but such reduction shall not be more than the base state pay. Such Other than for
14 a leave of absence for the adjutant general and any deputy adjutants general, such
15 leave shall not be granted for absences of less than 3 days. A state official or employee
16 serving on state active duty as a member of the national guard, naval militia, or state
17 defense force, may elect to receive pay from the state under s. 20.465 (1) in an amount
18 equal to base state salary for such period of state active duty. Leave granted by this
19 section is in addition to all other leaves granted or authorized by any other law. For
20 the purpose of determining seniority, pay or pay advancement and performance
21 awards the status of the employee shall be considered uninterrupted by such
22 attendance.

23 ***-0408/1.1* SECTION 3081.** 230.36 (1m) (b) 2. (intro.) of the statutes is amended
24 to read:

1 230.36 (1m) (b) 2. (intro.) A conservation warden, conservation patrol boat
2 captain, conservation patrol boat engineer, member of the state patrol, state motor
3 vehicle inspector, University of Wisconsin System police officer, security officer, or
4 security person, ~~state fair park~~ other state facilities police officer, special tax agent,
5 excise tax investigator employed by the department of revenue, and special criminal
6 investigation agent employed by the department of justice at all times while:

7 *~~-0408/1.2~~* SECTION 3082. 230.36 (2m) (a) 13. of the statutes is repealed.

8 *~~-1528/8.20~~* SECTION 3087. 231.01 (9) of the statutes is amended to read:

9 231.01 (9) “Revenues” means, with respect to any project, the rents, fees,
10 charges, and other income or profit derived therefrom and, with respect to any bonds
11 issued under s. 231.03 (6) (g), tobacco settlement revenues identified in the bond
12 resolution.

13 *~~-1528/8.21~~* SECTION 3088. 231.01 (11) of the statutes is created to read:

14 231.01 (11) “Tobacco settlement agreement” has the meaning given in s. 16.63
15 (1) (b).

16 *~~-1528/8.22~~* SECTION 3089. 231.01 (12) of the statutes is created to read:

17 231.01 (12) “Tobacco settlement revenues” has the meaning given in s. 16.63
18 (1) (c).

19 *~~-1528/8.23~~* SECTION 3090. 231.03 (6) (g) of the statutes is created to read:

20 231.03 (6) (g) Finance a purchase, or make a loan, under sub. (20). Bonds
21 issued under this paragraph shall be payable from, or secured by interests in, tobacco
22 settlement revenues and such other property pledged under the bond resolution and,
23 notwithstanding s. 231.08 (3), are not required to mature in 30 years or less from the
24 date of issue.

25 *~~-1528/8.24~~* SECTION 3091. 231.03 (20) of the statutes is created to read:

1 231.03 (20) Purchase the state's right to receive any of the payments under the
2 tobacco settlement agreement, or make a loan to be secured by the state's right to
3 receive any of the payments under the tobacco settlement agreement, upon such
4 terms and at such prices as the authority considers reasonable and as can be agreed
5 upon between the authority and the other party to the transaction. The authority
6 may issue certificates or other evidences of ownership interest in tobacco settlement
7 revenues upon such terms and conditions as specified by the authority in the
8 resolution under which the certificates or other evidences are issued or in a related
9 trust agreement or trust indenture.

10 *~~1528/8.26~~* SECTION 3093. 231.16 (1) of the statutes is amended to read:

11 231.16 (1) The authority may issue bonds to refund any outstanding bond of
12 the authority or indebtedness that a participating health institution, participating
13 educational institution, or participating child care provider may have incurred for
14 the construction or acquisition of a project prior to or after April 30, 1980, including
15 the payment of any redemption premium on the outstanding bond or indebtedness
16 and any interest accrued or to accrue to the earliest or any subsequent date of
17 redemption, purchase, or maturity, or to pay all or any part of the cost of constructing
18 and acquiring additions, improvements, extensions, or enlargements of a project or
19 any portion of a project. ~~No~~ Except for bonds to refund bonds issued under s. 231.03
20 (6) (g), no bonds may be issued under this section unless the authority has first
21 entered into a new or amended agreement with a participating health institution,
22 participating educational institution, or participating child care provider to provide
23 sufficient revenues to pay the costs and other items described in s. 231.13.

24 *~~1528/8.27~~* SECTION 3094. 231.16 (3) of the statutes is amended to read:

1 231.16 (3) All bonds issued under this section shall be subject to this chapter
2 in the same manner and to the same extent as other bonds issued pursuant to this
3 chapter, except that the limitations with respect to dates under s. 231.03 (6) (e) and
4 (f) and (14) do not apply to bonds issued under this section, and the requirement
5 under s. 231.08 (3) that the bonds mature in 30 years or less from their date of issue
6 does not apply to bonds issued under this section to refund bonds issued under s.
7 231.03 (6) (g).

8 *~~1528/8.28~~* SECTION 3095. 231.215 of the statutes is created to read:

9 **231.215 Incorporator for purpose related to purchase or sale of right**
10 **to payments.** The authority, or its executive director, may organize one or more
11 nonstock corporations under ch. 181 or limited liability companies under ch. 183 for
12 any purpose related to purchasing or selling the state's right to receive any of the
13 payments under the tobacco settlement agreement and may take any action
14 necessary to facilitate and complete the purchase or sale.

15 *~~1562/1.1~~* SECTION 3096. 233.27 of the statutes is amended to read:

16 **233.27 Limit on the amount of outstanding bonds.** The authority may not
17 issue bonds or incur indebtedness described under s. 233.03 (12) if, after the bonds
18 are issued or the indebtedness is incurred, the aggregate principal amount of the
19 authority's outstanding bonds, together with all indebtedness described under s.
20 233.03 (12) would exceed ~~\$106,500,000~~ \$175,000,000. Bonds issued to fund or refund
21 outstanding bonds, or indebtedness incurred to pay off or purchase outstanding
22 indebtedness, is not included in calculating compliance with the ~~\$106,500,000~~
23 \$175,000,000 limit.

24 *~~0880/5.1~~* SECTION 3099. 234.65 (3) (f) of the statutes, as affected by 1999
25 Wisconsin Act 9, is amended to read:

1 234.65 (3) (f) The name of the person receiving the loan does not appear on the
2 statewide support lien docket under s. 49.854 (2) (b). ~~The condition under this~~
3 ~~paragraph is met for a person whose name does appear if or, if the person's name~~
4 appears on that docket, the person provides to the authority a payment agreement
5 that has been approved by the county child support agency under s. 59.53 (5) and that
6 is consistent with rules promulgated under s. 49.858 (2) (a).

7 *~~0878/2.3~~* SECTION 3100. 234.67 (1) (f) of the statutes is amended to read:

8 234.67 (1) (f) "Percentage of guarantee" means the percentage established by
9 the authority under sub. (3) (a).

10 *~~0878/2.4~~* SECTION 3101. 234.67 (3) (a) of the statutes is renumbered 234.67
11 (3) and amended to read:

12 234.67 (3) GUARANTEE OF COLLECTION. ~~Subject to par. (b), the~~ The authority
13 shall guarantee collection of a percentage, not exceeding 90%, of the principal of any
14 loan eligible for a guarantee under sub. (2). The authority shall establish the
15 percentage of the unpaid principal of an eligible loan that will be guaranteed, using
16 the procedures described in the guarantee agreement under s. 234.93 (2) (a). The
17 authority may establish a single percentage for all guaranteed loans or establish
18 different percentages for eligible loans on an individual basis.

19 *~~0878/2.5~~* SECTION 3102. 234.67 (3) (b) of the statutes is repealed.

20 *~~0880/5.2~~* SECTION 3103. 234.83 (1) of the statutes is renumbered 234.83
21 (1m).

22 *~~0880/5.3~~* SECTION 3104. 234.83 (1c) of the statutes is created to read:

23 234.83 (1c) DEFINITIONS. In this section:

24 (a) "Rural community" means any of the following:

1 1. A city, town, or village in this state that is located in a county with a
2 population density of less than 150 persons per square mile.

3 2. A city, town, or village in this state with a population of 12,000 or less.

4 (b) “Small business” means a business, as defined in s. 560.60 (2), that employs
5 50 or fewer employees on a full-time basis.

6 *~~0880/5.4~~* SECTION 3105. 234.83 (2) (a) (intro.) of the statutes is amended to
7 read:

8 234.83 (2) (a) (intro.) A business, ~~as defined in s. 560.60 (2)~~, to which all of the
9 following apply:

10 *~~0880/5.5~~* SECTION 3106. 234.83 (2) (a) 2. of the statutes is amended to read:

11 234.83 (2) (a) 2. The business ~~employs 50 or fewer employees on a full-time~~
12 basis is a small business.

13 *~~0880/5.6~~* SECTION 3107. 234.83 (2) (a) 3. of the statutes, as affected by 1999
14 Wisconsin Act 9, is amended to read:

15 234.83 (2) (a) 3. The name of the owner of the business does not appear on the
16 statewide support lien docket under s. 49.854 (2) (b). ~~The condition under this~~
17 subdivision is met for an owner whose name does appear if or, if the name of the
18 owner of the business appears on that docket, the owner of the business provides to
19 the authority a payment agreement that has been approved by the county child
20 support agency under s. 59.53 (5) and that is consistent with rules promulgated
21 under s. 49.858 (2) (a).

22 *~~0880/5.7~~* SECTION 3108. 234.83 (3) (a) 2. of the statutes is amended to read:

23 234.83 (3) (a) 2. The ~~start-up, expansion or acquisition~~ of a day care business,
24 including the purchase or improvement of land, buildings, machinery, equipment, or
25 inventory.

1 *~~0880/5.8~~* SECTION 3109. 234.83 (3) (a) 3. of the statutes is created to read:

2 234.83 (3) (a) 3. The start-up of a small business in a vacant storefront in the
3 downtown area of a rural community, including the purchase or improvement of
4 land, buildings, machinery, equipment, or inventory.

5 *~~0878/2.6~~* SECTION 3110. 234.83 (4) (a) of the statutes is renumbered 234.83
6 (4) and amended to read:

7 234.83 (4) GUARANTEE OF REPAYMENT. ~~Subject to par. (b), the~~ The authority may
8 guarantee repayment of a portion of the principal of any loan eligible for a guarantee
9 under sub. (1) (1m). That portion may not exceed 80% of the principal of the loan or
10 \$200,000, whichever is less. The authority shall establish the portion of the principal
11 of an eligible loan that will be guaranteed, using the procedures described in the
12 agreement under s. 234.93 (2) (a). The authority may establish a single portion for
13 all guaranteed loans that do not exceed \$250,000 and a single portion for all
14 guaranteed loans that exceed \$250,000 or establish on an individual basis different
15 portions for eligible loans that do not exceed \$250,000 and different portions for
16 eligible loans that exceed \$250,000.

17 *~~0878/2.7~~* SECTION 3111. 234.83 (4) (b) of the statutes is repealed.

18 *~~0880/5.9~~* SECTION 3112. 234.90 (3) (d) of the statutes, as affected by 1999
19 Wisconsin Act 9, is amended to read:

20 234.90 (3) (d) The farmer's name does not appear on the statewide support lien
21 docket under s. 49.854 (2) (b). ~~The condition under this paragraph is met for a farmer~~
22 ~~whose name does appear if or, if the farmer's name appears on that docket,~~ the farmer
23 provides to the authority a payment agreement that has been approved by the county
24 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
25 under s. 49.858 (2) (a).

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1 *~~0880/5.10~~* SECTION 3113. 234.90 (3g) (c) of the statutes, as affected by 1999
2 Wisconsin Act 9, is amended to read:

3 234.90 (3g) (c) The farmer's name does not appear on the statewide support lien
4 docket under s. 49.854 (2) (b). ~~The condition under this paragraph is met for a farmer~~
5 ~~whose name does appear if or, if the farmer's name appears on that docket,~~ the farmer
6 provides to the authority a payment agreement that has been approved by the county
7 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
8 under s. 49.858 (2) (a).

9 *~~0878/2.8~~* SECTION 3114. 234.90 (4) (a) of the statutes is renumbered 234.90
10 (4) and amended to read:

11 234.90 (4) GUARANTEE. ~~Except as provided in par. (b), the~~ The authority shall
12 guarantee repayment of 90% of the principal of any agricultural production loan
13 eligible for guarantee under sub. (2) made to a farmer eligible for a guaranteed loan
14 under sub. (3) or (3g).

15 *~~0878/2.9~~* SECTION 3115. 234.90 (4) (b) of the statutes is repealed.

16 *~~0878/2.11~~* SECTION 3117. 234.907 (1) (f) of the statutes is amended to read:
17 234.907 (1) (f) "Percentage of guarantee" means the percentage established by
18 the authority under sub. (3) ~~(a)~~.

19 *~~0878/2.12~~* SECTION 3118. 234.907 (3) (a) of the statutes is renumbered
20 234.907 (3) and amended to read:

21 234.907 (3) GUARANTEE OF COLLECTION. ~~Subject to par. (b), the~~ The authority
22 shall guarantee collection of a percentage, not exceeding 90%, of the principal of any
23 loan eligible for a guarantee under sub. (2). The authority shall establish the
24 percentage of the unpaid principal of an eligible loan that will be guaranteed, using
25 the procedures described in the guarantee agreement under s. 234.93 (2) (a). The

1 authority may establish a single percentage for all guaranteed loans or establish
2 different percentages for eligible loans on an individual basis.

3 ***-0878/2.13* SECTION 3119.** 234.907 (3) (b) of the statutes is repealed.

4 ***-0878/2.14* SECTION 3120.** 234.91 (5) (a) of the statutes is amended to read:

5 234.91 (5) (a) ~~Subject to par. (c), the~~ The authority shall guarantee collection
6 of a percentage of the principal of a loan eligible for a guarantee under sub. (2). The
7 principal amount of an eligible loan that the authority may guarantee may not
8 exceed the borrower's net worth or 25% of the total loan amount, whichever is less,
9 calculated at the time the loan is made.

10 ***-0878/2.15* SECTION 3121.** 234.91 (5) (c) of the statutes is repealed.

11 ***-0878/2.16* SECTION 3122.** 234.93 (3) (title) of the statutes is amended to
12 read:

13 234.93 (3) (title) ~~INCREASES OR DECREASES IN LOAN~~ LOAN GUARANTEES; INCREASES
14 OR DECREASES.

15 ***-0878/2.17* SECTION 3123.** 234.93 (3) of the statutes is renumbered 234.93

16 (3) (b) and amended to read:

17 234.93 (3) (b) The authority may request the joint committee on finance to take
18 action under s. 13.10 to permit the authority to increase or decrease the total
19 principal amount or total outstanding guaranteed principal amount of loans that it
20 may guarantee under ~~a program~~ the aggregate of the programs guaranteed by the
21 Wisconsin development reserve fund. Included with its request, the authority shall
22 provide a projection, for the next June 30, that compares the amounts required on
23 that date to pay outstanding claims and to fund guarantees under ~~all~~ the aggregate
24 of the programs guaranteed by funds from the Wisconsin development reserve fund,
25 and the balance remaining in the Wisconsin development reserve fund on that date

1 after deducting such amounts, if the increase or decrease is approved, with such
2 amounts and the balance remaining, if the increase or decrease is not approved.

3 ***-0878/2.18* SECTION 3124.** 234.93 (3) (a) of the statutes is created to read:

4 234.93 (3) (a) Except as provided in par. (b), the total principal amount or total
5 outstanding guaranteed principal amount of all loans that the authority may
6 guarantee under the aggregate of the programs guaranteed by funds from the
7 Wisconsin development reserve fund, excluding the program under s. 234.935, 1997
8 stats., may not exceed \$49,500,000.

9 ***b0195/2.2* SECTION 3125c.** 234.93 (4) (c) of the statutes is created to read:

10 234.93 (4) (c) 1. The statement under par. (b) shall include recommendations
11 as to the total principal amount or total outstanding guaranteed principal amount
12 of all loans that the authority may guarantee under each of the programs guaranteed
13 by the Wisconsin development reserve fund, subject to sub. (3). If the cochairpersons
14 of the joint committee on finance do not notify the executive director within 14
15 working days after August 31 that the committee has scheduled a meeting for the
16 purpose of reviewing the recommended maximum amounts, the recommended
17 maximum amounts shall be the total principal amounts or total outstanding
18 guaranteed principal amounts of all loans that the authority may guarantee under
19 each of the programs guaranteed by the Wisconsin development reserve fund. If,
20 within 14 working days after August 31, the cochairpersons of the committee notify
21 the executive director that the committee has scheduled a meeting for the purpose
22 of reviewing the recommended maximum amounts, the maximum amounts that the
23 authority may guarantee under each of the programs guaranteed by the Wisconsin
24 development reserve fund shall be the maximum amounts approved by the
25 committee.

1 2. If the total principal amount or total outstanding guaranteed principal
2 amount of all loans that the authority desires or intends to guarantee under a
3 program guaranteed by the Wisconsin development reserve fund will exceed the
4 maximum amount that was last approved for the program under subd. 1., the
5 executive director of the authority shall provide to the secretary of administration
6 and to the joint committee on finance notice of the proposed new maximum
7 guarantee amounts for each of the programs guaranteed by the Wisconsin
8 development reserve fund, subject to sub. (3). If the cochairpersons of the joint
9 committee on finance do not notify the executive director within 14 working days
10 after the date of the notice under this subdivision that the committee has scheduled
11 a meeting for the purpose of reviewing the proposed new maximum amounts, the
12 proposed new maximum amounts shall apply. If, within 14 working days after the
13 date of the notice under this subdivision, the cochairpersons of the committee notify
14 the executive director that the committee has scheduled a meeting for the purpose
15 of reviewing the proposed new maximum amounts, the new maximum amounts that
16 the authority may guarantee shall be the maximum amounts approved by the
17 committee.

18 ***-0774/1.2*** SECTION 3126. 234.93 (4m) of the statutes is amended to read:

19 234.93 (4m) LIMITATION ON LOAN GUARANTEES. The authority shall regularly
20 monitor the cash balance in the Wisconsin development reserve fund. The authority
21 shall ensure that the cash balance in the fund is sufficient for the purposes specified
22 in sub. (4) (a) 1. and 2., and 3.

23 ***-1335/7.62*** SECTION 3128. Chapter 237 of the statutes is created to read:

CHAPTER 237

FOX RIVER NAVIGATIONAL

SYSTEM AUTHORITY

237.01 Definitions. In this chapter:

(1) “Authority” means the Fox River Navigational System Authority.

(2) “Board of directors” means the board of directors of the authority.

(3) “Fiscal year” means the period beginning on July 1 and ending on the following June 30.

(4) “Lock” includes any spillway associated with the lock.

237.02 Creation and organization of authority. (1) There is created a

public body corporate and politic to be known as the “Fox River Navigational System Authority.” The board of directors of the authority shall consist of the following members:

(a) Six members nominated by the governor, and with the advice and consent of the senate appointed, for 3-year terms.

(b) The secretary of natural resources, or his or her designee.

(c) The secretary of transportation, or his or her designee.

(d) The director of the state historical society, or his or her designee.

(1m) (a) Two of the 6 members appointed under sub. (1) (a) shall be residents of Brown County, 2 shall be residents of Outagamie County, and 2 shall be residents of Winnebago County.

(b) At least one of the 2 members appointed from each of the counties specified in par. (a) shall be a resident of a city, village, or town in which is located a lock that is part of the navigational system.

1 (2) A vacancy on the board of directors shall be filled in the same manner as
2 the original appointment to the board of directors for the remainder of the unexpired
3 term, if any.

4 (3) A member of the board of directors may not be compensated for his or her
5 services but shall be reimbursed for actual and necessary expenses, including travel
6 expenses, incurred in the performance of his or her duties.

7 (4) No cause of action of any nature may arise against and no civil liability may
8 be imposed upon a member of the board of directors for any act or omission in the
9 performance of his or her powers and duties under this chapter, unless the person
10 asserting liability proves that the act or omission constitutes willful misconduct.

11 (5) The members of the board of directors shall annually elect a chairperson
12 and may elect other officers as they consider appropriate. Five voting members of
13 the board of directors constitute a quorum for the purpose of conducting the business
14 and exercising the powers of the authority, notwithstanding the existence of any
15 vacancy. The board of directors may take action upon a vote of a majority of the
16 members present, unless the bylaws of the authority require a larger number.

17 (6) The board of directors shall appoint a chief executive officer who shall not
18 be a member of the board of directors and who shall serve at the pleasure of the board
19 of directors. The authority may delegate by resolution to one or more of its members
20 or its executive director any powers and duties that it considers proper. The chief
21 executive officer shall receive such compensation as may be determined by the board
22 of directors. The chief executive officer or other person designated by resolution of
23 the board of directors shall keep a record of the proceedings of the authority and shall
24 be custodian of all books, documents, and papers filed with the authority, the minute
25 book or journal of the authority, and its official seal. The chief executive officer or

1 other person may cause copies to be made of all minutes and other records and
2 documents of the authority and may give certificates under the official seal of the
3 authority to the effect that such copies are true copies, and all persons dealing with
4 the authority may rely upon such certificates.

5 **237.03 Duties of authority. (1) GENERAL DUTIES.** In addition to all other
6 duties imposed under this chapter, the authority shall do all of the following:

7 (a) Adopt bylaws and policies and procedures for the regulation of its affairs
8 and the conduct of its business.

9 (b) Contract for any legal services required for the authority.

10 (c) Establish the authority's annual budget and monitor the fiscal management
11 of the authority.

12 (d) Procure liability insurance covering its officers and employees and procure
13 insurance against any loss in connection with its property and other assets.

14 (e) Make every reasonable effort to contract with one or more corporations to
15 provide the services specified under s. 237.09 (2).

16 **(2) DUTIES UPON LEASING.** Upon entering into the lease under s. 237.06, the
17 authority shall rehabilitate, repair, replace, operate, and maintain the navigational
18 system.

19 **237.04 Powers of authority.** The authority shall have all the powers
20 necessary or convenient to carry out the purposes and provisions of this chapter. In
21 addition to all other powers granted by this chapter, the authority may:

22 (1) Incur debt, except as restricted under s. 237.05 (1).

23 (2) Sue and be sued.

24 (3) Hire employees, define their duties, and fix their rate of compensation.

1 (4) Have a seal and alter the seal at pleasure; have perpetual existence; and
2 maintain an office.

3 (5) Appoint any technical or professional advisory committee that the
4 authority finds necessary to assist the authority in exercising its duties and powers.
5 The authority shall define the duties of the committee, and provide reimbursement
6 for the expenses of the committee.

7 (6) Enter into contracts with 3rd parties as are necessary for the rehabilitation,
8 repair, replacement, operation, or maintenance of the navigational system.

9 (7) Acquire, lease, subject to s. 237.05 (2), and dispose of property as is
10 necessary for the rehabilitation, repair, replacement, operation, or maintenance of
11 the navigational system.

12 (8) Accept gifts and other funding for the rehabilitation, repair, replacement,
13 operation, or maintenance of the navigational system.

14 (9) Charge user fees for services the authority provides to the operators of
15 watercraft using the navigational system.

16 (10) Charge fees for use of facilities of the navigational system as provided in
17 s. 16.845.

18 **237.05 Restrictions on authority.** (1) The authority may not issue bonds.

19 (2) The authority may not sublease all, or any part of, the navigational system
20 without the approval of the department of administration.

21 **237.06 Lease.** Upon transfer of the ownership of the navigational system by
22 the federal government to the state, the department of administration on behalf of
23 the state and the authority shall enter into a lease agreement under which the state
24 shall lease the navigational system to the authority for nominal consideration. The
25 secretary of administration shall determine the amount of the rental payments.

1 **237.07 Management plan; financial statements.** (1) (a) The authority
2 shall submit to the department of administration a plan that does all the following:

3 1. Addresses the costs of and funding for the rehabilitation, repair,
4 replacement, operation, and maintenance of the navigational system.

5 2. Describes how the authority will manage its funds to ensure that sufficient
6 funding is available to abandon the navigational system if the operation of the
7 navigational system is no longer feasible.

8 (b) The authority shall submit the plan under par. (a) within 180 days after the
9 date on which the state and the authority enter into the lease agreement specified
10 in s. 237.06.

11 (2) The authority shall update and resubmit the plan under sub. (1) upon the
12 request of the department of administration.

13 (3) (a) For each fiscal year, the authority shall submit to the department of
14 administration an audited financial statement of the funding received by the
15 authority from the department of natural resources under s. 237.08 (2) and by the
16 authority from contributions and other funding accepted by the authority under s.
17 237.08 (3).

18 (b) The financial statement under par. (a) shall include notes that explain in
19 detail the specific sources of funding contained in the financial statement.

20 (4) For each fiscal year in which moneys are to be released to the authority by
21 the department of natural resources under s. 237.08, each corporation specified in
22 s. 237.09 shall submit to the authority an audited financial statement of the amount
23 raised by the corporation under s. 237.09 (2) (b) for that fiscal year.

24 **237.08 Sources of funding. (1) FEDERAL FUNDING.** The authority shall accept
25 federal funding for the rehabilitation, repair, replacement, operation, and

1 maintenance of the navigational system and shall agree with any conditions
2 attached to the funding.

3 (2) STATE FUNDING. From the appropriation under s. 20.370 (5) (cq) and before
4 applying the percentages under s. 30.92 (4) (b) 6., the department of natural
5 resources shall set aside for the rehabilitation and repair of the navigational system
6 \$400,000 in each fiscal year to be matched by the moneys raised under s. 237.09 (2)
7 (b). The funding shall be set aside beginning with the first fiscal year beginning after
8 the submittal of the initial management plan submitted under s. 237.07 (1) and shall
9 continue to be set aside in each of the next 6 consecutive fiscal years. From the
10 funding that is set aside, the department shall release to the authority for each fiscal
11 year an amount equal to the total amount raised by each corporation under s. 237.09
12 (2) (b) for which matching funding has not been previously released.

13 (3) OTHER FUNDING. The authority shall encourage and may accept
14 contributions and funding for the rehabilitation, repair, replacement, operation, or
15 maintenance of the navigational system. The authority shall also accept funding
16 raised by each corporation under s. 237.09 (2).

17 **237.09 Requirements for nonprofit corporations.** (1) Each corporation
18 contracted with under s. 237.03 (1) (e) shall be a nonprofit corporation as described
19 in section 501 (c) (3) of the Internal Revenue Code that is exempt from federal income
20 tax under section 501 (a) of the Internal Revenue Code and shall be based in one or
21 more of the counties in which the navigational system is located.

22 (2) Each corporation contracted with under s. 237.03 (1) (e) shall do all of the
23 following:

24 (a) Provide marketing and fund-raising services for the authority.

1 (b) Make every reasonable effort to raise \$2,750,000 of local or private funding
2 for the rehabilitation and repair of the navigational system.

3 (c) Accept for investment moneys received by the authority for rehabilitation
4 and repair under s. 237.08 and invest the moneys at a rate of return that the
5 authority finds adequate to enable the authority to exercise its duties and powers in
6 rehabilitating and repairing the navigational system.

7 (3) If the authority contracts with more than one corporation under s. 237.03
8 (1) (e), all of the corporations shall make the effort to raise the total of \$2,750,000.

9 **237.10 Rapide Croche lock.** (1) Upon entering into the lease under s.
10 237.06, the authority shall maintain the sea lamprey barrier at the Rapide Croche
11 lock according to specifications of the department of natural resources in order to
12 prevent sea lampreys and other aquatic nuisance from moving upstream.

13 (2) If the authority decides to construct a means to transport watercraft around
14 the Rapide Croche lock, the authority shall develop a plan for the construction that
15 includes steps to be taken to control sea lampreys and other aquatic nuisance species.
16 The authority shall submit the plan to the department of natural resources and may
17 not implement the plan unless it has been approved by the department.

18 **237.11 Political activities.** (1) No employee of the authority may directly
19 or indirectly solicit or receive subscriptions or contributions for any partisan political
20 party or any political purpose while engaged in his or her official duties as an
21 employee. No employee of the authority may engage in any form of political activity
22 calculated to favor or improve the chances of any political party or any person seeking
23 or attempting to hold partisan political office while engaged in his or her official
24 duties as an employee or engage in any political activity while not engaged in his or
25 her official duties as an employee to such an extent that the person's efficiency during

1 working hours will be impaired or that he or she will be tardy or absent from work.
2 Any violation of this section is adequate grounds for dismissal.

3 (2) If an employee of the authority declares an intention to run for partisan
4 political office the employee shall be placed on a leave of absence for the duration of
5 the election campaign and if elected shall no longer be employed by the authority on
6 assuming the duties and responsibilities of such office.

7 (3) An employee of the authority may be granted by the chief executive officer
8 a leave of absence to participate in partisan political campaigning.

9 (4) Persons on leave of absence under sub. (2) or (3) shall not be subject to the
10 restrictions of sub. (1), except as they apply to the solicitation of assistance,
11 subscription, or support from any other employee in the authority.

12 **237.12 Liability limited.** (1) Neither the state nor any political subdivision
13 of the state nor any officer, employee, or agent of the state or a political subdivision
14 who is acting within the scope of employment or agency is liable for any debt,
15 obligation, act, or omission of the authority.

16 (2) All of the expenses incurred by the authority in exercising its duties and
17 powers under this chapter shall be payable only from funds of the authority.

18 **237.13 Exemption.** (1) In this section, “lock structure” includes a spillway
19 of a lock and excludes the canal body of a lock.

20 (2) Any activity or work that is performed on a lock structure that is part of the
21 navigational system is exempt from any permit or other approval required under ch.
22 30 or 31.

23 **237.14 Abandonment.** If the authority determines the operation of the
24 navigational system is no longer feasible, the authority shall submit a plan to the
25 department of administration and to the department of natural resources describing

1 the steps the authority will take in abandoning the navigational system. The
2 navigational system may not be abandoned unless both the department of
3 administration and the department of natural resources determine that the plan for
4 abandonment will preserve the public rights in the Fox River, will ensure safety, and
5 will protect life, health, and property.

6 **237.15 Transitional provisions. (1) FUNDING.** The department of
7 administration shall transfer the unencumbered balances in the appropriation
8 accounts under s. 20.370 (9) (jL) and (ju) to the authority on the day after the date
9 on which the state and the authority enter into the lease agreement specified in s.
10 237.06.

11 (2) TRANSFERS. (a) The chairperson of the Fox River management commission
12 and the chairperson of the board of directors of the authority, acting jointly, shall
13 identify all of the following that will transfer from the commission to the authority:

- 14 1. Any assets and liabilities of the commission.
- 15 2. Any tangible personal property, including records, of the commission.
- 16 3. Any contracts entered into by the commission, and any policies and
17 procedures of the commission that will be in effect on the day after the date on which
18 the state and the authority enter into the lease agreement specified in s. 237.06.

19 (b) On the day after the date on which the state and the authority enter into
20 the lease agreement specified in s. 237.06, all of the assets, liabilities, and personal
21 property identified for transfer under par. (a) 1. and 2. shall become the assets,
22 liabilities, and personal property of the authority.

23 (c) On the day after the date on which the state and the authority enter into
24 the lease agreement specified in s. 237.06, all the contracts identified under par. (a)
25 3. shall remain in effect and the authority shall, beginning on that day, carry out any

1 such contractual obligations until modified or rescinded to the extent allowed under
2 the contract.

3 (d) On the day after the date on which the state and the authority enter into
4 the lease agreement specified in s. 237.06, all policies and procedures identified in
5 par. (a) 3. shall become policies and procedures of the authority and shall remain in
6 effect until their expiration date or until modified or rescinded by the authority.

7 (e) In case of disagreement with respect to any matter specified in pars. (a) to
8 (d), the secretary of administration shall determine the matter and shall develop a
9 plan for an orderly transfer of the item subject to the disagreement.

10 *b0690/2.8* **SECTION 3128m.** Chapter 247 of the statutes is created to read:

11 **CHAPTER 247**

12 **WISCONSIN ARTISTIC**

13 **ENDOWMENT FOUNDATION**

14 **247.02 Definition.** In this chapter, “foundation” means the Wisconsin Artistic
15 Endowment Foundation.

16 **247.03 Creation and organization.** (1) There is created a public body
17 corporate and politic, to be known as the “Wisconsin Artistic Endowment
18 Foundation.” The foundation shall be a nonprofit corporation organized under ch.
19 181 so that contributions to it are deductible from adjusted gross income under
20 section 170 of the Internal Revenue Code.

21 (2) The board of directors of the foundation shall consist of the following
22 persons:

23 (a) Eight nominees of the governor, who are residents of this state, represent
24 the diverse artistic interests of the people of this state, and represent each of the
25 geographic regions of the state, appointed for 7-year terms with the advice and

1 consent of the senate. At least one of the nominees shall be knowledgeable in
2 marketing and fund raising. Each member appointed under this paragraph may
3 hold office until a successor is appointed.

4 (b) The chairperson of the arts board or the chairperson's designee.

5 (c) The executive secretary of the arts board as a nonvoting member.

6 (d) Two representatives to the assembly, one appointed by the speaker of the
7 assembly and one appointed by the minority leader of the assembly.

8 (e) Two senators, one appointed by the majority leader of the senate and one
9 appointed by the minority leader of the senate.

10 (3) The board of directors holds the powers of the foundation. The members
11 of the board of directors shall annually elect a chairperson and may elect other
12 officers as they consider appropriate. Seven voting members of the board of directors
13 constitute a quorum for the purpose of conducting the business and exercising the
14 powers of the foundation, notwithstanding the existence of any vacancy. The board
15 of directors may take action upon a vote of a majority of the voting members present,
16 unless the bylaws of the foundation require a larger number.

17 (4) No member of the board of directors may receive compensation for
18 performing his or her duties. Each member shall be reimbursed for actual and
19 necessary expenses, including travel expenses, incurred in performing those duties.

20 **247.05 General powers and duties. (1)** Except as otherwise provided in this
21 chapter, the foundation has all of the powers necessary and convenient to carry out
22 its duties under sub. (2) and s. 247.06, including the power to do all of the following:

23 (a) Make, amend, and repeal bylaws for the conduct of its affairs.

24 (b) Adopt a seal and alter that seal.

25 (c) Sue and be sued.

1 (d) Maintain an office.

2 (e) Solicit and accept donations of money, property, and art objects.

3 (f) Execute contracts and other instruments.

4 (g) Employ legal, financial, technical, or other experts and any other necessary
5 employees, and fix their qualifications, duties, and compensation.

6 (h) Establish arts programs with the advice of the arts board and statewide arts
7 organizations.

8 (i) Convert any noncash gift, grant, bequest, or other contribution to the
9 foundation to cash.

10 (2) The foundation shall do all of the following:

11 (a) In carrying out its responsibilities under this chapter, ensure to the greatest
12 extent possible the equitable distribution of funds and other support among all of the
13 following:

14 1. The various geographic regions of the state.

15 2. Urban, suburban, and rural areas of the state.

16 3. The various ethnic, racial, and cultural groups of the state.

17 (b) Appoint a licensed appraiser to evaluate each donated art object to establish
18 the current value of, potential appreciation of, degree of risk in holding, and
19 recommended timing for sale of, the art object.

20 (c) Adopt bylaws for accepting restricted donations.

21 (d) Annually submit to the governor and to the presiding officer of each house
22 of the legislature an audited financial statement of the operations of the foundation,
23 prepared in accordance with generally accepted accounting principles.

24 (e) Contract for all education and marketing activities.

1 (f) Deposit in the state treasury all cash, gifts, grants, bequests, or other
2 contributions made to the foundation, and all noncash gifts, grants, bequests, or
3 other contributions made to the foundation that have been converted to cash under
4 sub. (1) (i).

5 (g) Biennially review the foundation's priorities for expenditures under s.
6 247.06 (1) (b) and report those priorities to the presiding officer of each house of the
7 legislature.

8 **247.06 Support of arts programs.** (1) (a) The foundation may distribute
9 moneys appropriated under s. 20.220 (1) (r) to the arts board for programs that
10 provide operating support to arts organizations and for the Wisconsin regranting
11 program under s. 44.62.

12 (b) The foundation may distribute moneys appropriated under s. 20.220 (1) (r)
13 to an arts program established under s. 247.05 (1) (h) if the program is reviewed
14 biennially by the foundation with the advice of the arts board and statewide arts
15 organizations. To the extent possible, the programs funded under this paragraph
16 shall use existing arts board mechanisms and staff for administering and
17 distributing the moneys.

18 (2) (a) Of the total amount distributed by the foundation under sub. (1) in any
19 fiscal year that constitutes earnings on unrestricted donations, the foundation shall
20 distribute at least 50% to the arts board under sub. (1) (a).

21 (b) The foundation may not distribute moneys to the arts board under sub. (1)
22 (a) in any fiscal year in which the foundation determines that the amount of general
23 purpose revenue appropriated to the arts board under s. 20.215 is less than the
24 amount appropriated in the previous fiscal year.

1 **247.07 Dissolution.** The foundation may not dissolve and wind up its affairs
2 unless the legislature enacts a law ordering dissolution.

3 ***-0420/4.2*** SECTION 3129. 252.12 (title) of the statutes is amended to read:

4 **252.12** (title) ~~Services relating to acquired immunodeficiency~~
5 ~~syndrome~~ HIV and related infections, including hepatitis C virus
6 infections; services and prevention.

7 ***-0420/4.3*** SECTION 3130. 252.12 (2) (a) (intro.) of the statutes is amended to
8 read:

9 252.12 (2) (a) ~~Acquired immunodeficiency syndrome~~ HIV and related
10 infections, including hepatitis C virus infections; services. (intro.) From the
11 appropriations under s. 20.435 (1) (a) and (5) (am), the department shall distribute
12 funds for the provision of services to individuals with or at risk of contracting
13 ~~acquired immunodeficiency syndrome~~ HIV infection, as follows:

14 ***-0420/4.4*** SECTION 3131. 252.12 (2) (a) 1. of the statutes is amended to read:

15 252.12 (2) (a) 1. ‘Partner referral and notification.’ The department shall
16 contact an individual known to have received an HIV infection and encourage him
17 or her to refer for counseling ~~and, HIV testing, and, if appropriate, testing for~~
18 hepatitis C virus infection any person with whom the individual has had sexual
19 relations or has shared intravenous equipment.

20 ***-0420/4.5*** SECTION 3132. 252.12 (2) (a) 2. of the statutes is amended to read:

21 252.12 (2) (a) 2. ‘Grants to local projects.’ The department shall make grants
22 to applying organizations for the provision of ~~acquired immunodeficiency syndrome~~
23 HIV and related infection prevention information, the establishment of counseling
24 support groups and the provision of direct care to persons with ~~acquired~~

1 ~~immunodeficiency syndrome~~ HIV infection, including those persons with hepatitis
2 C virus infection.

3 *~~0420/4.6~~* SECTION 3133. 252.12 (2) (a) 3. (intro.) of the statutes is amended
4 to read:

5 252.12 (2) (a) 3. ‘Statewide public education campaign.’ (intro.) The
6 department shall promote public awareness of the risk of contracting acquired
7 ~~immunodeficiency syndrome~~ HIV and related infections and measures for acquired
8 ~~immunodeficiency syndrome~~ HIV and related infections protection by development
9 and distribution of information through clinics providing family planning services,
10 as defined in s. 253.07 (1) (b), offices of physicians and clinics for sexually transmitted
11 diseases and by newsletters, public presentations or other releases of information to
12 newspapers, periodicals, radio and television stations and other public information
13 resources. The information ~~would~~ shall be targeted at individuals whose behavior
14 puts them at risk of contracting ~~acquired immunodeficiency syndrome~~ HIV and
15 related infections and ~~would~~ shall encompass the following topics:

16 *~~0420/4.7~~* SECTION 3134. 252.12 (2) (a) 3. a. of the statutes is amended to
17 read:

18 252.12 (2) (a) 3. a. ~~Acquired immunodeficiency syndrome and~~ HIV infection
19 and related infections.

20 *~~0420/4.8~~* SECTION 3135. 252.12 (2) (a) 3. b. of the statutes is amended to
21 read:

22 252.12 (2) (a) 3. b. Means of identifying whether or not individuals may be at
23 risk of contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

24 *~~0420/4.9~~* SECTION 3136. 252.12 (2) (a) 3. c. of the statutes is amended to
25 read:

1 252.12 (2) (a) 3. c. Measures individuals may take to protect themselves from
2 contracting ~~acquired immunodeficiency syndrome~~ HIV and related infections.

3 *~~0420/4.10~~* **SECTION 3137.** 252.12 (2) (a) 4. of the statutes is amended to read:

4 252.12 (2) (a) 4. ‘Information network.’ The department shall establish a
5 network to provide information to local health officers and other public officials who
6 are responsible for ~~acquired immunodeficiency syndrome~~ HIV infection and related
7 infection prevention and training.

8 *~~0420/4.11~~* **SECTION 3138.** 252.12 (2) (a) 5. of the statutes is amended to read:

9 252.12 (2) (a) 5. ‘HIV seroprevalence studies.’ The department shall perform
10 tests for the presence of HIV, ~~antigen or nonantigenic products of HIV or an antibody~~
11 ~~to HIV~~ and, if appropriate, related infections and shall conduct behavioral surveys
12 among population groups determined by the department to be highly at risk of
13 becoming infected with or transmitting HIV and related infections. Information
14 obtained shall be used to develop targeted HIV infection and related infection
15 prevention efforts for these groups and to evaluate the state’s prevention strategies.

16 *~~0420/4.12~~* **SECTION 3139.** 252.12 (2) (a) 6. of the statutes is amended to read:

17 252.12 (2) (a) 6. ‘Grants for targeted populations and intervention services.’
18 The department shall make grants to those applying organizations ~~determined by~~
19 that the department to be determines are best able to contact individuals who are
20 determined to be highly at risk of contracting ~~acquired immunodeficiency syndrome~~
21 HIV for the provision of ~~acquired immunodeficiency syndrome~~ HIV and related
22 infection information and intervention services.

23 *~~0420/4.13~~* **SECTION 3140.** 252.12 (2) (a) 7. of the statutes is amended to read:

24 252.12 (2) (a) 7. ‘Contracts for counseling and laboratory testing services.’ The
25 department shall distribute funding in each fiscal year to contract with

1 organizations to provide, at alternate testing sites, anonymous or confidential
2 counseling services for HIV and laboratory testing services for the presence of HIV
3 and, if appropriate, related viruses.

4 ***-0420/4.14* SECTION 3141.** 252.12 (2) (c) 2. of the statutes is amended to read:

5 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
6 department shall award \$75,000 in each fiscal year as grants for services to prevent
7 HIV infection and related infections, including hepatitis C virus infection. Criteria
8 for award of the grants shall include the criteria specified under subd. 1. The
9 department shall award 60% of the funding to applying organizations that receive
10 funding under par. (a) 8. and 40% of the funding to applying community-based
11 organizations that are operated by minority group members, as defined in s. 560.036
12 (1) (f).

13 ***-0420/4.15* SECTION 3142.** 252.12 (2) (c) 3. of the statutes is amended to read:

14 252.12 (2) (c) 3. From the appropriation under s. 20.435 (5) (am), the
15 department shall award to the African American AIDS task force of the Black Health
16 Coalition of Wisconsin, Inc., \$25,000 in each fiscal year as grants for services to
17 prevent HIV infection and related infections, including hepatitis C infection.

18 ***b0617/2.2* SECTION 3142m.** 253.065 of the statutes is created to read:

19 **253.065 Grants for childhood asthma.** From the appropriation under s.
20 20.435 (5) (ca), annually, the department shall award grants to local health
21 departments established under s. 251.02 (2) for case management services for
22 children who have asthma and who are enrolled in the medical assistance program
23 under subch. IV of ch. 49 or the badger care health care program under s. 49.665.

24 ***-0295/2.2* SECTION 3143.** 253.13 (2) of the statutes is amended to read:

1 253.13 (2) TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;
2 FEES. The department shall contract with the state laboratory of hygiene to perform
3 the tests specified under this section and to furnish materials for use in the tests.
4 The department shall provide necessary diagnostic services, special dietary
5 treatment as prescribed by a physician for a patient with a congenital disorder as
6 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and
7 his or her family. The state laboratory of hygiene board, on behalf of the department,
8 shall impose a fee for tests performed under this section sufficient to pay for services
9 provided under the contract ~~and. The state laboratory of hygiene board shall include~~
10 ~~as part of this fee and pay to the department an amount~~ amounts the department
11 determines ~~is~~ are sufficient to fund the provision of diagnostic and counseling
12 services, special dietary treatment, and periodic evaluation of infant screening
13 programs, ~~the costs of consulting with experts under sub. (5), and the costs of~~
14 ~~administering the congenital disorder program under this section and shall credit~~
15 ~~these amounts to the appropriations under s. 20.435 (1) (jb) and (5) (ja).~~

16 ***b0624/1.4* SECTION 3143m.** 254.11 (13) of the statutes is amended to read:
17 254.11 (13) "Third-party payer" means a disability insurance policy that is
18 required to provide coverage for a blood lead test under s. 632.895 (10) (a); a health
19 maintenance organization or preferred provider plan under ch. 609; a health care
20 coverage plan offered by the state under s. 40.51 (6); a self-insured health plan
21 offered by a city or village under s. 66.0137 (4), a political subdivision under s.
22 66.0137 (4m), a town under s. 60.23 (25), a county under s. 59.52 (11) (c), or a school
23 district under s. 120.13 (2) (b); or a sickness care plan operated by a cooperative
24 association under s. 185.981.

25 ***-0191/1.1* SECTION 3144.** 254.31 (10) of the statutes is amended to read:

1 254.31 (10) “Source material” means ~~any material except special nuclear~~
2 ~~material, which contains by weight 0.05 per cent or more of uranium, thorium, or any~~
3 ~~combination thereof in any physical or chemical form, or ores that contain by weight~~
4 ~~0.05% or more of uranium, thorium, or any combination thereof. “Source material”~~
5 ~~does not include special nuclear material.~~

6 ***-0191/1.2*** SECTION 3145. 254.34 (1) (a) of the statutes is amended to read:

7 254.34 (1) (a) Promulgate and enforce rules, including registration and
8 licensing of sources of ionizing radiation, as may be necessary to prohibit and prevent
9 unnecessary radiation exposure. The rules may incorporate by reference the
10 recommended standards of nationally recognized bodies in the field of radiation
11 protection and other fields of atomic energy, under the procedure established by s.
12 227.21 (2). The rules for by-product material, source material and special nuclear
13 material ~~may be no less stringent than~~ shall be in accordance with the requirements
14 of 42 USC 2021 (o) and shall otherwise be compatible with the requirements under
15 42 USC 2011 to 2114 and regulations adopted under 42 USC 2011 to 2114.

16 ***-0191/1.3*** SECTION 3146. 254.34 (2) (c) of the statutes is created to read:

17 254.34 (2) (c) Develop requirements for qualification, certification, training,
18 and experience of an individual who does any of the following:

- 19 1. Operates radiation generating equipment.
- 20 2. Utilizes, stores, transfers, transports, or possesses radioactive materials.
- 21 3. Acts as a radiation safety consultant to any person who possesses a license
22 or registration issued by the department under this subchapter.

23 ***-0191/1.4*** SECTION 3147. 254.34 (2) (d) of the statutes is created to read:

24 254.34 (2) (d) Recognize certification by another state or by a nationally
25 recognized certifying organization of an individual to perform acts under par. (c) 1.

1 to 3. if the standards for the other state's certification or the organization's
2 certification are substantially equivalent to the standards of the department for
3 certification of individuals under par. (c).

4 ***-0421/2.1* SECTION 3148.** 254.47 (1m) of the statutes is created to read:

5 254.47 (1m) The department or a local health department granted agent status
6 under s. 254.69 (2) may not, without a preinspection, grant a permit to a person
7 intending to operate a new public swimming pool, campground, or recreational or
8 educational camp or to a person intending to be the new operator of an existing public
9 swimming pool, campground, or recreational or educational camp.

10 ***-0421/2.2* SECTION 3149.** 254.47 (2) of the statutes is amended to read:

11 254.47 (2) A separate permit is required for each campground, camping resort,
12 recreational and or educational camp and public swimming pool. No permit issued
13 under this section is transferable from one premises to another or from one person,
14 state or local government to another, except that the permit may be transferred from
15 an individual to an immediate family member, as defined in s. 254.64 (4) (a), if the
16 individual is transferring operation of the campground, camping resort, recreational
17 and or educational camp or public swimming pool to the immediate family member.

18 ***-0421/2.3* SECTION 3150.** 254.47 (4) of the statutes is amended to read:

19 254.47 (4) Permits issued under this section expire on June 30, except that
20 permits initially issued during the period beginning on April 1 and ending on June
21 30 expire on June 30 of the following year. Except as provided in s. 254.69 (2) (d) and
22 (e), the department shall promulgate rules that establish, for permits issued under
23 this section, amounts of permit fees, preinspection fees, reinspection fees, fees for
24 operating without a license, and late fees for untimely permit renewal.

25 ***-0421/2.4* SECTION 3151.** 254.64 (1) (b) of the statutes is amended to read:

1 254.64 (1) (b) No person may maintain, manage or operate a bed and breakfast
2 establishment for more than 10 nights in a year without having first obtained a
3 ~~biennial~~ an annual permit from the department.

4 *~~-0421/2.5~~* SECTION 3152. 254.64 (4) (b) of the statutes is amended to read:

5 254.64 (4) (b) Except as provided in ~~pars. (c) and~~ par. (d), no permit is
6 transferable from one premises to another or from one person to another.

7 *~~-0421/2.6~~* SECTION 3153. 254.64 (4) (c) of the statutes is repealed.

8 *~~-0421/2.7~~* SECTION 3154. 254.68 of the statutes is amended to read:

9 **254.68 Fees.** Except as provided in s. 254.69 (2) (d) and (e), the department
10 shall promulgate rules that establish, for permits issued under s. 254.64, permit fees,
11 ~~preinspection fees and, reinspection fees, fees for operating without a permit,~~ late
12 fees for untimely permit renewal, fees for comparable compliance or variance
13 requests, and fees for pre-permit review of restaurant plans.

14 *~~-0421/2.8~~* SECTION 3155. 254.69 (2) (am) of the statutes is amended to read:

15 254.69 (2) (am) In the administration of this subchapter or s. 254.47, the
16 department may enter into a written agreement with a local health department with
17 a jurisdictional area that has a population greater than 5,000, which designates the
18 local health department as the department's agent in issuing permits to and making
19 investigations or inspections of hotels, restaurants, temporary restaurants, tourist
20 rooming houses, bed and breakfast establishments, campgrounds and camping
21 resorts, recreational and educational camps and public swimming pools. In a
22 jurisdictional area of a local health department without agent status, the
23 department of health and family services may issue permits, collect ~~permit~~ fees
24 established by rule under s. 254.68 and make investigations or inspections of hotels,
25 restaurants, temporary restaurants, tourist rooming houses, bed and breakfast

1 establishments, campgrounds and camping resorts, recreational and educational
2 camps and public swimming pools. If the department designates a local health
3 department as its agent, the department or local health department may require no
4 permit for the same operations other than the permit issued by the local health
5 department under this subsection. The department shall coordinate the designation
6 of agents under this subsection with the department of agriculture, trade and
7 consumer protection to ensure that, to the extent feasible, the same local health
8 department is granted agent status under this subsection and under s. 97.41. Except
9 as otherwise provided by the department, a local health department granted agent
10 status shall regulate all types of establishments for which this subchapter permits
11 the department of health and family services to delegate regulatory authority.

12 *b0479/2.2* SECTION 3155z. 255.06 of the statutes is repealed and recreated
13 to read:

14 **255.06 Well-woman program. (1) DEFINITIONS.** In this section:

15 (a) "Hospital" has the meaning given in s. 50.33 (2).

16 (b) "Mammography" means the making of a record of a breast by passing X rays
17 through a body to act on specially sensitized film.

18 (c) "Medicare" has the meaning given in s. 49.498 (1) (f).

19 (d) "Nurse practitioner" means a registered nurse licensed under ch. 441 or in
20 a party state, as defined in s. 441.50 (2) (j), whose practice of professional nursing
21 under s. 441.11 (4) includes performance of delegated medical services under the
22 supervision of a physician, dentist, or podiatrist.

23 (e) "Poverty line" means the nonfarm federal poverty line for the continental
24 United States, as defined by the federal department of labor under 42 USC 9902 (2).

1 (2) WELL-WOMAN PROGRAM. From the appropriation under s. 20.435 (5) (cb), the
2 department shall administer a well-woman program to provide reimbursement for
3 health care screenings, referrals, follow-ups, and patient education provided to
4 low-income, underinsured, and uninsured women. Reimbursement to service
5 providers under this section shall be at the rate of reimbursement for identical
6 services provided under medicare, except that, if projected costs under this section
7 exceed the amounts appropriated under s. 20.435 (5) (cb), the department shall
8 modify services or reimbursement accordingly. Within this limitation, the
9 department shall implement the well-woman program to do all of the following:

10 (a) *Breast cancer screening services.* Provide not more than \$422,600 in each
11 fiscal year as reimbursement for the provision of breast cancer screening services to
12 women who are aged 40 years or older, by a hospital or organization that has a
13 mammography unit available for use and that is selected by the department under
14 procedures established by the department. Recipients of services under this
15 paragraph are subject to a copayment, payable to the service provider, for which the
16 department shall reduce reimbursement to the service provider, as follows:

17 1. For a woman for whom 3rd-party coverage for services is obtainable,
18 payment by the source of the 3rd-party coverage at full reasonable charge.

19 2. For a woman for whom 3rd-party coverage for services is not obtainable and
20 whose income is above 150% of the poverty line, a copayment for the provided service
21 that is based on a sliding scale, as developed by the department, according to the
22 woman's income.

23 3. For a woman for whom 3rd-party coverage is not obtainable and whose
24 income is at or below 150% of the poverty line, no copayment.

1 (b) *Media announcements and educational materials.* Allocate and expend at
2 least \$20,000 in each fiscal year to develop and provide media announcements and
3 educational materials to promote breast cancer screening services that are available
4 under pars. (a) and (c) and to promote health care screening services for women that
5 are available under par. (e).

6 (c) *Breast cancer screenings using mobile mammography van.* Reimburse the
7 city of Milwaukee public health department for up to \$115,200 in each fiscal year for
8 the performance of breast cancer screening activities with the use of a mobile
9 mammography van.

10 (d) *Specialized training to for rural colposcopic examinations and activities.*
11 Provide not more than \$25,000 in each fiscal year as reimbursement for the provision
12 of specialized training of nurse practitioners to perform, in rural areas, colposcopic
13 examinations and follow-up activities for the treatment of cervical cancer.

14 (e) *Health care screening, referral, follow-up, and patient education.*
15 Reimburse service providers for the provision of health care screening, referral,
16 follow-up, and patient education to low-income, underinsured, and uninsured
17 women.

18 (f) *Women's health campaign.* Conduct a women's health campaign to do all of
19 the following:

- 20 1. Increase women's awareness of issues that affect their health.
- 21 2. Reduce the prevalence of chronic and debilitating health conditions that
22 affect women.

23 (g) *Osteoporosis prevention and education.* Conduct an osteoporosis prevention
24 and education program to raise public awareness concerning the causes and nature
25 of osteoporosis, the risk factors for developing osteoporosis, the value of prevention

1 and early detection of osteoporosis, and options for diagnosing and treating
2 osteoporosis.

3 (3) SERVICE COORDINATION. The department shall coordinate the services
4 provided under this section with the services provided under the minority health
5 program under s. 146.185, to ensure that disparities in the health of women who are
6 minority group members are adequately addressed.

7 *b0479/2.2* SECTION 3156m. 255.07 of the statutes is repealed.

8 *b0479/2.2* SECTION 3157b. 255.075 of the statutes is repealed.

9 *-1205/4.4* SECTION 3159. 255.10 (intro.) of the statutes is amended to read:

10 **255.10 Thomas T. Melvin youth tobacco prevention and education**
11 **program.** (intro.) From the appropriation under s. 20.435 (5) (dg) moneys
12 distributed under s. 255.15 (3) (a) 2., the department shall administer the Thomas
13 T. Melvin youth tobacco prevention and education program, with the primary
14 purpose of reducing the use of cigarettes and tobacco products by minors. The
15 department shall award grants for the following purposes:

16 *-1205/4.5* SECTION 3160. 255.15 (3) (a) 2. of the statutes is amended to read:

17 255.15 (3) (a) 2. The Thomas T. Melvin youth tobacco prevention and education
18 program under s. 255.10, ~~\$1,000,000~~ \$2,000,000 in fiscal year ~~1999–2000~~ and not
19 ~~less than \$1,000,000 in fiscal year 2000–01~~ 2001–02 and in each fiscal year
20 thereafter.

21 *b0275/2.16* SECTION 3160c. 255.15 (4) of the statutes is amended to read:

22 255.15 (4) REPORTS. Not later than ~~July 1, 2001~~ April 15, 2002, and annually
23 thereafter, the board shall submit to the governor and to the chief clerk of each house
24 of the legislature for distribution under s. 13.172 (2) a report that evaluates the
25 success of the grant program under sub. (3). The report shall specify the number of

1 grants awarded during the immediately preceding fiscal year and the purpose for
2 which each grant was made. The report shall also specify donations and grants
3 accepted by the board under sub. (5).

4 *b0278/1.1* SECTION 3160t. 281.17 (1) of the statutes is renumbered 281.17
5 (1) (a) and amended to read:

6 281.17 (1) (a) ~~No wells shall~~ A well may not be constructed, installed, or
7 operated to withdraw water from underground sources for any purpose groundwater
8 where the capacity and rate of withdrawal of all wells on one property is in excess
9 of 100,000 gallons a day, without first obtaining the approval of the department. If
10 s. 281.35 applies to the proposed ~~construction well~~, the application shall comply with
11 s. 281.35 (5) (a). ~~If the department finds that the proposed withdrawal will adversely~~
12 ~~affect or reduce the availability of water to any public utility in furnishing water to~~
13 ~~or for the public or does not meet the grounds for approval specified under s. 281.35~~
14 ~~(5) (d), if applicable, it shall either~~

15 (b) The department shall withhold its approval or grant a limited approval
16 under which it imposes such conditions as to location, depth, pumping capacity, rate
17 of flow, and ultimate use so that will ensure all of the following:

18 1. That the water supply of any public utility engaged in furnishing water to
19 or for the public will not be impaired ~~and the withdrawal will conform to the~~
20 ~~requirements of.~~

21 2. That the well meets the grounds for approval under s. 281.35, if applicable.

22 (d) The department shall require each person issued an approval under this
23 subsection to report that person's volume and rate of withdrawal, as defined under
24 s. 281.35 (1) (m), and that person's volume and rate of water loss, as defined under
25 s. 281.35 (1) (L), if any, in the form and at the times specified by the department. ~~The~~

1 department may issue general or special orders it considers necessary to ensure
2 prompt and effective administration of this subsection.

3 *b0278/1.1* SECTION 3160v. 281.17 (1) (c) of the statutes is created to read:

4 281.17 (1) (c) 1. Except as provided in subd. 3., the department shall impose
5 as a condition in each approval under this subsection that the person issued the
6 approval may not use, or permit another person to use, any water withdrawn from
7 the well to produce bottled drinking water, as defined in s. 97.34 (1) (a), unless the
8 department approves use of the well for that purpose.

9 2. The department shall withhold its approval, grant a limited approval, or
10 modify an approval in order to minimize adverse effects to the quality or quantity of
11 waters of the state caused by any well used to produce bottled drinking water, as
12 defined in s. 97.34 (1) (a). The department shall prepare an environmental impact
13 statement under s. 1.11 (2) for a decision by the department under this paragraph
14 to approve the use of a well to produce bottled drinking water.

15 3. This paragraph does not apply to a withdrawal of water by a public utility
16 engaged in furnishing water to or for the public.

17 *-0313/2.21* SECTION 3161. 281.17 (2) of the statutes is amended to read:

18 281.17 (2) The department shall supervise chemical treatment of waters for the
19 suppression of ~~algae, aquatic weeds, swimmers' itch and other~~ nuisance-producing
20 plants and organisms that are not regulated by the program established under s.
21 23.24 (2). It may purchase equipment and may make a charge for the use of the same
22 and for materials furnished, together with a per diem charge for any services
23 performed in such work. The charge shall be sufficient to reimburse the department
24 for the use of the equipment, the actual cost of materials furnished, and the actual
25 cost of the services rendered.

1 ***-0321/5.3*** SECTION 3163. 281.58 (9) (e) of the statutes is amended to read:

2 281.58 (9) (e) If the department of natural resources and the department of
3 administration determine that the governor's recommendation, as set forth in the
4 executive budget bill, for the amount under s. 281.59 (3e) (b), the amount available
5 under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4) (f) for a biennium
6 is ~~85% or less of the amount of present value subsidy, general obligation bonding~~
7 ~~authority or revenue bonding authority, respectively, requested for that biennium in~~
8 ~~the biennial finance plan submitted under s. 281.59 (3) (bm) 1. insufficient to provide~~
9 ~~funding for all projects for which applications will be approved during that biennium,~~
10 the department shall inform municipalities that, if the governor's recommendations
11 are approved, clean water fund program assistance during a fiscal year of that
12 biennium will only be available to municipalities that submit financial assistance
13 applications by the June 30 preceding that fiscal year.

14 ***-0321/5.4*** SECTION 3164. 281.58 (9m) (f) (intro.) of the statutes is amended
15 to read:

16 281.58 (9m) (f) (intro.) If the department of natural resources and the
17 department of administration determine that the amount approved under s. 281.59
18 (3e) (b), the amount available under s. 20.866 (2) (tc), or the amount available under
19 s. 281.59 (4) (f) for a biennium is ~~85% or less of the amount of present value subsidy,~~
20 ~~general obligation bonding authority or revenue bonding authority, respectively,~~
21 ~~requested for that biennium in the biennial finance plan submitted under s. 281.59~~
22 ~~(3) (bm) 1. insufficient to provide funding for all projects for which applications will~~
23 ~~be approved during that biennium,~~ all of the following apply:

24 ***b0279/1.1*** SECTION 3164j. 281.58 (13) (be) 5. of the statutes is repealed.

1 ***b0279/1.1* SECTION 3164L.** 281.58 (13) (em) 3. of the statutes is created to
2 read:

3 281.58 (13) (em) 3. In a fiscal year, if federal financial hardship assistance has
4 been allocated to all eligible projects on the funding list and federal financial
5 hardship assistance remains to be allocated, the department may allocate federal
6 financial hardship assistance to a project of an eligible municipality that submits its
7 financial assistance application after June 30.

8 ***-0321/5.5* SECTION 3165.** 281.59 (3e) (b) 1. and 3. of the statutes are amended
9 to read:

10 281.59 (3e) (b) 1. Equal to ~~\$85,200,000~~ \$90,000,000 during the ~~1999-01~~
11 2001-03 biennium.

12 3. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

13 ***-0321/5.6* SECTION 3166.** 281.59 (3m) (b) 1. and 2. of the statutes are
14 amended to read:

15 281.59 (3m) (b) 1. Equal to ~~\$9,400,000~~ \$9,110,000 during the ~~1999-01~~ 2001-03
16 biennium.

17 2. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

18 ***-0321/5.7* SECTION 3167.** 281.59 (3s) (b) 1. and 2. of the statutes are amended
19 to read:

20 281.59 (3s) (b) 1. Equal to ~~\$12,600,000~~ \$10,900,000 during the ~~1999-01~~
21 2001-03 biennium.

22 2. Equal to \$1,000 for any biennium after the ~~1999-01~~ 2001-03 biennium.

23 ***-0321/5.8* SECTION 3168.** 281.59 (4) (f) of the statutes is amended to read:

24 281.59 (4) (f) Revenue obligations may be contracted by the building
25 commission when it reasonably appears to the building commission that all

1 obligations incurred under this subsection can be fully paid on a timely basis from
2 moneys received or anticipated to be received. Revenue obligations issued under this
3 subsection for the clean water fund program shall not exceed ~~\$1,297,755,000~~
4 \$1,398,355,000 in principal amount, excluding obligations issued to refund
5 outstanding revenue obligation notes.

6 ***b0415/1.1* SECTION 3168n.** 281.60 (2) of the statutes is amended to read:

7 281.60 (2) GENERAL. The department and the department of administration
8 may administer a program to provide financial assistance to eligible applicants for
9 projects to remedy environmental contamination of sites or facilities at which
10 environmental contamination has affected groundwater or surface water or
11 threatens to affect groundwater or surface water. Eligible costs for a project include
12 costs of site assessment and site investigation, to the extent allowed under federal
13 law, if the eligible applicant demonstrates in its application that remediation will be
14 necessary and include costs of demolition that is a necessary part of the remediation.
15 The department and the department of administration may provide financial
16 assistance under this section to an eligible applicant only if the eligible applicant
17 owns the contaminated site or facility or, if the applicant is a political subdivision,
18 if a redevelopment authority or a housing authority owns the contaminated site or
19 facility. The department and the department of administration may not provide
20 financial assistance under this section to remedy environmental contamination at
21 a site or facility that is not a landfill if the eligible applicant caused the
22 environmental contamination.

23 ***b0415/1.1* SECTION 3168p.** 281.60 (3) of the statutes is repealed.

24 ***b0415/1.1* SECTION 3168r.** 281.60 (5) of the statutes is amended to read:

1 281.60 (5) APPLICATION. ~~After submitting a notice of intent to apply under sub.~~
2 ~~(3) (a) or obtaining a waiver under sub. (3) (b),~~ an An eligible applicant shall submit
3 an application for land recycling loan program financial assistance to the
4 department. The eligible applicant shall submit the application before the date
5 established by the department ~~by rule.~~ The department shall establish at least 2
6 application deadlines each year. The application shall be in the form and include the
7 information required by the department and the department of administration. An
8 eligible applicant may not submit more than one application per project per year.

9 ***b0415/1.1* SECTION 3168t.** 281.60 (8) (a) 1. of the statutes is amended to read:
10 281.60 (8) (a) 1. The department of administration may not allocate more than
11 40% of the available funds allocated in each fiscal year to projects to remedy
12 contamination at landfills.

13 ***b0415/1.1* SECTION 3168v.** 281.60 (8p) of the statutes is created to read:
14 281.60 (8p) SECURITY. Notwithstanding s. 281.59 (9) (b) 1., the department and
15 the department of administration may not require an applicant to use general
16 obligation bonds as security for financial assistance under this section but shall
17 accept other collateral that meets typical underwriting criteria.

18 ***-0291/1.1* SECTION 3169.** 281.61 (3) (b) of the statutes is repealed.

19 ***-0291/1.2* SECTION 3170.** 281.61 (3) (c) of the statutes is amended to read:
20 281.61 (3) (c) The department may waive par. (a) ~~or (b)~~ upon the written request
21 of a local governmental unit.

22 ***-0373/2.1* SECTION 3171.** 281.65 (4) (f) of the statutes is amended to read:
23 281.65 (4) (f) Administer the distribution of grants and aids to governmental
24 units for local administration and implementation of the program under this section.
25 A grant awarded under this section may be used for cost-sharing for management

1 practices and capital improvements, easements, or other activities determined by
2 the department to satisfy the requirements of this section. A grant under this section
3 to a lake district for a priority lake identified under sub. (3m) (b) 1. may be used for
4 plan preparation, technical assistance, educational and training assistance, and
5 ordinance development and administration. A grant may not be used for
6 promotional items, except for promotional items that are used for informational
7 purposes, such as brochures or videos.

8 ***-0390/2.1* SECTION 3172.** 281.65 (4c) (am) 1. a. of the statutes is amended to
9 read:

10 281.65 (4c) (am) 1. a. The need for compliance with performance standards
11 established by the department under s. 281.16 (2) and (3).

12 ***-0390/2.2* SECTION 3173.** 281.65 (4c) (am) 2. of the statutes is amended to
13 read:

14 281.65 (4c) (am) 2. ~~The project cannot be conducted with department, in~~
15 consultation with the department of agriculture, trade and consumer protection,
16 determines that funding provided under s. 92.14 is insufficient to fund the project.

17 ***-1813/4.14* SECTION 3174.** 281.65 (4g) of the statutes is amended to read:

18 281.65 (4g) The department may contract with any person from the
19 appropriation account under s. 20.370 (4) ~~(at)~~ (ac) for services to administer or
20 implement this section, including information and education and training services.
21 The department shall allocate \$500,000 in each fiscal year from the appropriation
22 account under s. 20.370 (4) ~~(at)~~ (ac) for contracts for educational and technical
23 assistance related to the program under this section provided by the University of
24 Wisconsin–Extension.

25 ***b0297/5.10* SECTION 3176b.** 281.65 (5q) of the statutes is created to read:

1 281.65 (5q) (a) Notwithstanding sub. (5s), neither the department nor the land
2 and water conservation board may extend funding under this section for a priority
3 watershed or priority lake project beyond the funding termination date that was in
4 effect for the priority watershed or priority lake project on January 1, 2001, except
5 as provided in par. (b).

6 (b) The department may authorize funding to be provided to a landowner under
7 a priority watershed or priority lake project for up to one year after the funding
8 termination date under par. (a) for that project if the department determines that a
9 delay in implementation of best management practices by the landowner was caused
10 by conditions beyond the control of the landowner.

11 ***b0298/1.1* SECTION 3176m.** 281.65 (11) of the statutes is amended to read:

12 281.65 (11) Notwithstanding subs. (3) (am) and (3m), the South Fork of the Hay
13 River is a priority watershed for the period ending on June 30, 2001 2006.
14 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and
15 (e), the department, in consultation with the local units of government involved with
16 the priority watershed project, shall establish guidelines for the types of nonpoint
17 source water pollution abatement practices to be eligible for cost-sharing grants in
18 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in
19 the watershed may be based on the amount of pollution reduction achieved rather
20 than on the cost of the practices installed, using guidelines developed by the
21 department, in consultation with the local units of government involved with the
22 priority watershed project. In providing funding under s. 92.14 (3), the department
23 of agriculture, trade and consumer protection shall determine the amount of
24 matching funds required for staff for the priority watershed project as though the
25 funding termination date of June 30, 2006, had been in effect on October 6, 1998. The

1 department and the local governmental staff involved with the priority watershed
2 project shall evaluate the cost effectiveness of the project and the reduction in
3 nonpoint source water pollution associated with the project.

4 ***-0353/3.16* SECTION 3180.** 281.68 (1) (b) (intro.) of the statutes is
5 renumbered 281.68 (1) (b) and amended to read:

6 281.68 (1) (b) “Qualified lake association” means ~~a group incorporated under~~
7 ~~ch. 181 that meets all of the following conditions:~~ an association that meets the
8 qualifications under sub. (3m) (a).

9 ***-0353/3.17* SECTION 3181.** 281.68 (1) (b) 1. of the statutes is renumbered
10 281.68 (3m) (a) 2. and amended to read:

11 281.68 (3m) (a) 2. ~~Specifies~~ Specify in its articles of incorporation or bylaws
12 that a substantial purpose of its being incorporated is to support the protection or
13 improvement of one or more inland lakes for the benefit of the general public.

14 ***-0353/3.18* SECTION 3182.** 281.68 (1) (b) 2. of the statutes is renumbered
15 281.68 (3m) (a) 3. and amended to read:

16 281.68 (3m) (a) 3. ~~Demonstrates~~ Demonstrate that the substantial purpose of
17 its past actions was to support the protection or improvement of one or more inland
18 lakes for the benefit of the general public.

19 ***-0353/3.19* SECTION 3183.** 281.68 (1) (b) 3. of the statutes is renumbered
20 281.68 (3m) (a) 4. and amended to read:

21 281.68 (3m) (a) 4. ~~Allows~~ Allow to be a member any individual who for at least
22 one month each year resides on or within one mile of an inland lake for which the
23 association was incorporated.

24 ***-0353/3.20* SECTION 3184.** 281.68 (1) (b) 4. of the statutes is renumbered
25 281.68 (3m) (a) 5. and amended to read:

1 281.68 (3m) (a) 5. ~~Allows~~ Allow to be a member any individual who owns real
2 estate on or within one mile of an inland lake for which the association was
3 incorporated.

4 *~~0353/3.21~~* SECTION 3185. 281.68 (1) (b) 5. of the statutes is renumbered
5 281.68 (3m) (a) 6. and amended to read:

6 281.68 (3m) (a) 6. ~~Does not~~ Not have articles of incorporation or bylaws which
7 limit or deny the right of any member or any class of members to vote as permitted
8 under s. 181.0721 (1).

9 *~~0353/3.22~~* SECTION 3186. 281.68 (1) (b) 6. of the statutes is renumbered
10 281.68 (3m) (a) 7. and amended to read:

11 281.68 (3m) (a) 7. ~~Has been~~ Demonstrate that it has been in existence for at
12 least one year.

13 *~~0353/3.23~~* SECTION 3187. 281.68 (1) (b) 7. of the statutes is renumbered
14 281.68 (3m) (a) 8. and amended to read:

15 281.68 (3m) (a) 8. ~~Has~~ Demonstrate that it has at least 25 members.

16 *~~0353/3.24~~* SECTION 3188. 281.68 (1) (b) 8. of the statutes is renumbered
17 281.68 (3m) (a) 9. and amended to read:

18 281.68 (3m) (a) 9. ~~Requires~~ Require payment of an annual membership fee of
19 ~~not less than \$10 nor more than \$25 as set by the department by rule under par. (b).~~

20 *~~0353/3.25~~* SECTION 3189. 281.68 (1) (c) of the statutes is created to read:

21 281.68 (1) (c) “Qualified school district” is a school district that meets the
22 qualifications under sub. (3m) (c).

23 *~~0353/3.28~~* SECTION 3192. 281.68 (3) (a) of the statutes is amended to read:

24 281.68 (3) (a) Eligible recipients to consist of nonprofit conservation
25 organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified