2001 ASSEMBLY BILL 144

February 20, 2001 – Introduced by JOINT COMMITTEE ON FINANCE, by request of Governor Scott McCallum. Referred to Joint committee on Finance. Referred to Joint survey committee on Retirement Systems. Referred to Joint survey committee on Tax Exemptions.

AN ACT relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the “executive budget bill” under section 16.47 (1) of the statutes. It contains the governor’s recommendations for appropriations for the 2001–2003 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2001–2003 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the department of administration’s publication Budget in Brief and the executive budget books, the legislative fiscal bureau’s summary document, and the legislative reference bureau’s drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.
GUIDE TO THE BILL

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

Treatments of prior session laws (styled “laws of [year], chapter ....” from 1848 to 1981, and “[year] Wisconsin Act ....” beginning with 1983) are displayed next by year of original enactment and by act number.

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

91XX Nonstatutory provisions.
92XX Appropriation changes.
93XX Initial applicability.
94XX Effective dates.

The remaining two digits indicate the state agency to which the provision relates:

XX01 Administration.
XX02 Adolescent pregnancy prevention and pregnancy services board.
XX03 Aging and long-term care board.
XX04 Agriculture, trade and consumer protection.
XX05 Arts board.
XX06 Boundary area commission, Minnesota-Wisconsin.
XX07 Building commission.
XX08 Child abuse and neglect prevention board.
XX09 Circuit courts.
XX10 Commerce.
XX11 Corrections.
XX12 Court of appeals.
XX13 District attorneys.
XX14 Educational communications board.
XX15 Elections board.
XX16 Employee trust funds.
XX17 Employment relations commission.
XX18 Employment relations department.
XX19 Ethics board.
XX20 Financial institutions.
XX21 Governor.
XX22 Health and Educational Facilities Authority.
XX23 Health and family services.
XX24 Higher educational aids board.
XX25 Historical society.
XX26 Housing and Economic Development Authority.
For example, for general nonstatutory provisions relating to the historical society, see Section 9125. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number “59” (other) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading.
Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used acronyms appearing in the analysis:

DATCP .... Department of Agriculture, Trade and Consumer Protection  
DER ...... Department of Employment Relations  
DETF ...... Department of Employee Trust Funds  
DFI ...... Department of Financial Institutions  
DHFS ...... Department of Health and Family Services  
DMA ...... Department of Military Affairs  
DNR ...... Department of Natural Resources  
DOA ...... Department of Administration  
DOC ...... Department of Corrections  
DOJ ...... Department of Justice  
DOR ...... Department of Revenue  
DORL ...... Department of Regulation and Licensing  
DOT ...... Department of Transportation  
DPI ...... Department of Public Instruction  
DVA ...... Department of Veterans Affairs  
DWD ...... Department of Workforce Development  
JCF ...... Joint Committee on Finance  
OCI ...... Office of the Commissioner of Insurance  
PSC ...... Public Service Commission  
UW ...... University of Wisconsin  
WHEDA .. Wisconsin Housing and Economic Development Authority  
WHEFA ... Wisconsin Health and Educational Facilities Authority

AGRICULTURE

AGRICULTURAL PRODUCER SECURITY

This bill changes the laws concerning milk contractors, grain dealers, grain warehouse keepers, and vegetable contractors (contractors). A milk contractor is a person who buys milk from milk producers or who markets milk on behalf of producers. A grain dealer is a person who buys grain from grain producers or who markets grain on behalf of producers. A grain warehouse keeper is a person who operates a warehouse in which the person stores grain that belongs to someone else. A vegetable contractor is a person who buys vegetables from vegetable producers for use in food processing or who markets vegetables for use in food processing on behalf of producers.

Current law requires certain contractors to post security with DATTCP to provide payment to producers in case the contractors default on payments owed to producers. This bill establishes a segregated fund, called the agricultural producer security fund (the fund), into which certain contractors must pay, and out of which
DATCP provides payment to producers when those contractors default on payments owed to producers. The statutory changes concerning agricultural producer security take effect in 2002.

**Milk contractors**

Under current law, persons who operate dairy plants generally must be licensed by DATCP. There is no separate licensing requirement for milk contractors. Under current law, DATCP may not issue a license for a dairy plant unless the applicant’s financial condition is such as to reasonably ensure prompt payment to milk producers. If a dairy plant operator does not meet minimum financial standards, the operator must file a bond or other security with DATCP or must provide for a trustee who receives payment for all dairy products produced by the dairy plant and who pays producers.

This bill requires a milk contractor to obtain a license from DATCP. A licensed milk contractor that files financial statements which show that the milk contractor does not meet minimum financial standards, or that does not file annual and quarterly financial statements, must contribute to the fund unless the contractor is disqualified from the fund. If a milk contractor that contributes to the fund defaults on payments to producers, DATCP pays default claims from the fund.

A milk contractor that is required to file security when first licensed (because the contractor has negative equity) is disqualified from the fund until DATCP releases the security. A milk contractor is disqualified from the fund if DATCP denies, suspends, or revokes the contractor’s license. DATCP may also disqualify a milk contractor from the fund for other reasons, such as failing to pay required fund assessments. If DATCP disqualifies a milk contractor from the fund and the milk contractor files a financial statement that shows that the contractor does not meet minimum financial standards, the milk contractor may not act as a milk contractor in this state.

The bill establishes the formula for determining the amount of the assessments that must be paid by a milk contractor that contributes to the fund, except that DATCP may, by rule, provide for a different formula. The assessments are based on a milk contractor’s financial condition, the amount spent to procure milk from producers, and the number of consecutive years that the contractor has contributed to the fund.

The bill requires a milk contractor to maintain insurance that covers all milk and milk products in the possession of the milk contractor.

As under current law, the bill requires a milk contractor to pay a monthly fee to DATCP, based on the amount of milk that the milk contractor procures. Under the bill, if the balance in the fund contributed by milk contractors exceeds $4,000,000 on any February 28, DATCP must use 50% of the excess to reduce these monthly fees.

**Grain dealers**

Under current law, most grain dealers are required to be licensed. If a grain dealer does not meet minimum financial standards, the grain dealer is required to file security with DATCP.
Under this bill, a grain dealer must obtain a license from DATTCP unless the dealer pays cash on delivery for all producer-owned grain that the dealer procures or the dealer buys grain solely for the dealer’s own use as feed or seed and spends less than $400,000 per license year for that grain. A grain dealer that is required to be licensed must contribute to the fund, unless the dealer is disqualified. If a grain dealer that contributes to the fund defaults on payments to producers, DATTCP pays default claims from the fund.

A grain dealer that is required to file security (because the dealer has negative equity) with DATTCP when the grain dealer is first licensed under this bill is disqualified from the fund until DATTCP releases the security. A grain dealer is disqualified from the fund, and required to pay cash on delivery for grain, if DATTCP denies, suspends, or revokes the dealer’s license or if DATTCP disqualifies the dealer for cause.

The bill establishes the formula for determining the amount of the assessments that must be paid by a grain dealer that contributes to the fund, except that DATTCP may, by rule, provide for a different formula. The assessments are based on a grain dealer’s financial condition, the amount spent to procure grain from producers, the amount incurred under deferred payment contracts, and the number of consecutive years that the dealer has contributed to the fund.

The bill requires a grain dealer to maintain insurance to cover all grain in the custody of the grain dealer.

Under the bill, grain dealer license fees vary based on the amount that the grain dealer pays for grain during a license year and the number of trucks used to haul grain. Under the bill, if the balance in the fund contributed by grain dealers exceeds $2,000,000 on any June 30, DATTCP must use 50% of the excess to reduce license fees.

**Grain warehouse keepers**

Current law requires a grain warehouse keeper that holds 50,000 or more bushels of grain for others at any time to obtain a license from DATTCP. A grain warehouse keeper that does not satisfy minimum financial standards must file security with DATTCP.

Under this bill, a licensed grain warehouse keeper is required to contribute to the fund, unless the warehouse keeper is disqualified. If a grain warehouse keeper that contributes to the fund fails to deliver grain to depositors upon demand, DATTCP pays default claims from the fund.

A grain warehouse keeper that is required to file security (because the warehouse keeper has negative equity) with DATTCP when the warehouse keeper is first licensed under this bill is disqualified from the fund until DATTCP releases the security. A grain warehouse keeper is also disqualified from the fund if DATTCP denies, suspends, or revokes the warehouse keeper’s license.

The bill establishes the formula for determining the amount of the assessments that must be paid by a grain warehouse keeper that contributes to the fund, except that DATTCP may, by rule, provide for a different formula. The assessments are based on a warehouse keeper’s financial condition, the capacity of the warehouses, and the number of consecutive years that the warehouse keeper has contributed to the fund.
The bill specifies annual grain warehouse keeper fees that are based on combined warehouse capacity. Under the bill, if the balance in the fund contributed by grain warehouse keepers exceeds $300,000 on any June 30, DATCP must use 12.5% of the excess to reduce license fees.

**Vegetable contractors**

Current law requires a vegetable contractor to obtain a registration certificate from DATCP. A vegetable contractor that does not meet minimum financial standards must file security with DATCP unless the contractor makes payment on delivery for all vegetables obtained from producers or the contractor is a producer-owned cooperative doing business solely with its producer-owners.

This bill requires a vegetable contractor to obtain a license from DATCP. A licensed vegetable contractor must contribute to the fund unless the contractor makes payment on delivery for all vegetables obtained from producers, the contractor is a producer-owned cooperative that procures vegetables only from its producer owners, or the contractor is disqualified. If a vegetable contractor that contributes to the fund defaults on payments to producers, DATCP pays default claims from the fund.

A vegetable contractor that is required to file security with DATCP when the vegetable contractor is first licensed under this bill because the contractor has negative equity is disqualified from the fund until DATCP releases the security. A vegetable contractor is disqualified from the fund if DATCP denies, suspends, or revokes the contractor’s license. A vegetable contractor is disqualified from the fund, and required to pay cash on delivery for all vegetables received from producers, if DATCP issues a written notice disqualifying the contractor for cause, including failure to pay fund assessments when due.

The bill establishes the formula for determining the amount of the assessments that must be paid by a vegetable contractor that contributes to the fund, except that DATCP may, by rule, provide for a different formula. The assessments are based on a vegetable contractor’s financial condition, the amount spent to procure vegetables from producers, the amount incurred under deferred payment contracts, and the number of consecutive years that the contractor has contributed to the fund.

The bill requires a vegetable contractor to maintain insurance to cover all vegetables in the custody of the contractor, unless the vegetable contractor pays cash on delivery for all vegetables or the contractor is a producer-owned cooperative that procures vegetables only from its producer owners.

Under the bill, vegetable contractor license fees are based on the amount that a vegetable contractor owed to vegetable producers over the course of the contractor’s most recent fiscal year. Under the bill, if the balance in the fund contributed by vegetable contractors exceeds $1,000,000 on any November 30, DATCP must use 50% of the excess to reduce license fees.

**Recovery proceedings and administration**

Under this bill, when contractors who are licensed, or required to be licensed, fail to make payments when due or when grain warehouse keepers fail to return stored grain upon demand, producers or their agents may file default claims with DATCP.
The bill specifies payment amounts for each claim against a contractor that was contributing to the fund when the default occurred. For a claim against a milk contractor or grain dealer, the payment amount is 90% of the first $20,000 allowed, 85% of the next $20,000 allowed, 80% of the next $20,000 allowed, and 75% of any amount allowed in excess of $60,000. For a claim against a grain warehouse keeper, the payment amount is 100% of the first $100,000 allowed. For a claim against a vegetable contractor, the payment amount is 90% of the first $40,000 allowed, 85% of the next $40,000 allowed, 80% of the next $40,000 allowed, and 75% of any amount allowed in excess of $120,000. If a contractor was not contributing to the fund when the default occurred but had posted security with DATCP, DATCP uses the security proceeds to pay the full amount of the allowed claims, except that, as under current law, if the security is not adequate to pay the full amount of the allowed claims, DATCP pays the claimants on a prorated basis. A claimant that does not receive full payment may sue the contractor for the balance of the allowed claim.

The bill requires DATCP to obtain three surety bonds, called industry bonds. One bond is to secure payments of claims against contributing milk contractors, one to secure payments of claims against contributing grain dealers and warehouse keepers, and one to secure payment of claims against contributing vegetable contractors. In addition, the bill requires DATCP to obtain a blanket surety bond. The bill requires DATCP to make a demand against the appropriate industry bond if payments of claims against contributing contractors in that industry exceed a threshold specified in the bill. The bill requires DATCP to make a demand against the blanket bond if claims against contributing contractors in an industry exceed the amount available under the industry bond.

The bill authorizes DATCP to demand that a defaulting contractor reimburse DATCP for any claim amounts that were paid from the fund because of the contractor’s default. The bill also authorizes a person who issues an industry bond or the blanket bond to require a defaulting contractor to reimburse the amounts that the person paid out because of the contractor’s default.

**OTHER AGRICULTURE**

Under current law, for a person to claim the farmland preservation tax credit, the land to which the claim relates must be subject either to a farmland preservation agreement or to an exclusive agricultural use zoning ordinance. A farmland preservation agreement is between the landowner and DATCP. The agreement commits the owner to keep the land in agricultural use for the duration of the agreement, up to 25 years, although DATCP may release land from an agreement under certain circumstances. Under current law, in some of the circumstances under which DATCP may release land from a farmland preservation agreement, or if land is rezoned from exclusive agricultural use, DATCP is required to file a lien against the land in the amount of the farmland preservation credit received by the owner during the preceding ten years.

This bill eliminates the requirement that DATCP file a lien against land that is released from a farmland preservation agreement or that is rezoned from exclusive agricultural use. Under the bill, DATCP may not release land from a farmland preservation agreement or file a lien against land that is rezoned from exclusive agricultural use.
preservation agreement until the owner pays $50 per acre to this state, except in certain situations such as the death or disability of the owner. Also under the bill, a local governmental unit must require a payment of $60 per acre as a condition of rezoning land from exclusive agricultural zoning. The local governmental unit forwards the payment to the state.

Under current law, if DATCP finds that plants or other pest–harboring materials on agricultural lands or agricultural business premises are so infested with injurious pests as to constitute a hazard to plant or animal life in this state, DATCP may order the property owner to treat the premises or treat or destroy the infested plants or other material. If the property owner fails to comply with the order, DATCP may treat the premises or treat or destroy the infested plants or other material. This bill eliminates the provision that restricts DATCP's authority regarding treatment of infested premises and treatment or destruction of infested plants and other material to agricultural lands and agricultural business premises.

Under the current Soil and Water Resource Management Program, DATCP awards grants to counties to help the counties reduce soil erosion and water pollution. This bill increases the authorized general obligation bonding authority for the Soil and Water Resource Management Program by $7,000,000.

Under current law, DATCP awards agricultural research and development grants to fund demonstration projects, feasibility analyses, and applied research on new or alternative technologies and practices that will stimulate agricultural development. This bill authorizes DATCP to award grants and provide technical assistance to support preliminary research on potential business enterprises that may increase the value of raw agricultural commodities. The bill provides Indian gaming receipts for the new grant program and for the existing agricultural research and development grant program.

Under current law, a person is subject to a fine or imprisonment if the person violates certain laws enforced by DATCP, including laws relating to the manufacture, distribution, and sale of commercial feed, laws relating to the safety of certain consumer products, and laws relating to hazardous substances. This bill provides that a person who violates any of these laws may be subject to a forfeiture (civil monetary penalty) or to the existing criminal penalties.

Current law provides for a World Dairy Center Authority. The duties of the authority include establishing a center for the development of dairying in the United States and the world. This bill eliminates the World Dairy Center Authority.

**COMMERCE AND ECONOMIC DEVELOPMENT**

**ECONOMIC DEVELOPMENT**

Under this bill, the department of commerce (department) must designate up to 20 areas in the state as technology zones. The department may certify any new
or expanding high-technology business located in a designated technology zone for a tax credit that is based on the amount of real and personal property taxes that the business paid in the taxable year; the amount of sales and use taxes that the business paid in the taxable year; and the amount of income and franchise taxes that the business paid in the taxable year. A business certified by the department may claim the tax credit for three years, or for up to five years if the business experiences growth to an extent determined by the department, but the total amount that a business may claim is limited by the department, and not more than $5,000,000 in tax credits may be claimed by all businesses certified in a technology zone.

This bill designates an area in the city of Milwaukee as a development opportunity zone and authorizes up to $4,700,000 to be claimed in tax credits for economic activity in the zone. The bill also provides that a person conducting economic activity in this new development opportunity zone who would not otherwise be able to claim tax credits may be certified for tax credits if: 1) the economic activity is instrumental in enabling another person to conduct economic activity in the zone that would not have occurred but for the first person’s involvement; 2) the department determines that the person being certified for tax credits will pass the benefit of the tax credits through to the other person conducting the economic activity in the zone; and 3) the other person conducting economic activity in the zone does not claim tax credits for the economic activity.

In addition, the bill creates an income tax and franchise tax credit for a business that is certified to receive tax credits in the new development opportunity zone that is equal to 3% of the following: 1) the purchase price of tangible personal property that is used for at least 50% of its use for the business at a location in the zone; and 2) the amount expended to acquire, construct, rehabilitate, remodel, or repair real property in the zone. A business may claim the credit only to offset taxes that are imposed on income that is attributable to the operations of the business in the development zone.

Under the current community-based economic development programs, the department awards grants to counties, cities, villages, towns, and community-based organizations for various purposes related to promoting economic development at the community level. This bill eliminates these programs and creates the New Economy for Wisconsin (NEW) Program. Under NEW, the department may award grants, not exceeding $100,000 each, to community-based business incubators and nonprofit organizations that provide services to high-technology businesses or that promote entrepreneurship. Grant proceeds may be used only for assisting small businesses (businesses with fewer than 100 employees) in adopting new technologies in their operations, for assisting technology-based small businesses in activities that further technology transfer, or for assisting entrepreneurs in discovering business opportunities.

Under the current Gaming Economic Development Grant and Loan Program, the department may award a grant for professional services, or award a grant or
make a loan for fixed asset financing, to an existing business in this state if the business has been negatively affected by the existence of a casino and has a legitimate need for the grant or loan to improve profitability. Under the current Gaming Economic Diversification Program, the department may award a grant or make a loan to an existing business in this state for a project that will diversify the economy of a community. Each program is funded with Indian gaming receipts.

Under this bill, start-up businesses, in addition to existing businesses, are eligible for the grants and loans under both programs. The bill adds remediating brownfields (which are abandoned, idle, or underused industrial or commercial facilities or sites that are adversely affected for expansion or redevelopment by actual or perceived environmental contamination) as a project purpose for which grants and loans may be awarded under the Gaming Economic Diversification Program. In addition, the bill authorizes the department to award a grant to the M7 Development Corporation for construction of a multipurpose center at Lincoln Park in the city of Milwaukee and to award grants to the Chippewa Valley Technical College for a health care education center. These grants are paid out of Indian gaming receipts.

Under the current Physician Loan Assistance Program, the department may repay, over a three-year period, up to $50,000 in educational loans on behalf of a physician who specializes in family practice, general internal medicine, general pediatrics, obstetrics and gynecology, or psychiatry and who agrees to practice at least 32 hours per week for three years in a clinic in one or more eligible practice areas in this state. This bill expands the Physician Loan Assistance Program to include dentists.

Under current law, the department must award grants not exceeding a total of $900,000 to the city of Milwaukee for a matching grant program administered by the Milwaukee Economic Development Corporation. Under that program, grants are provided to persons for remediation and economic redevelopment projects in the Menomonee Valley. Funding comes from Indian gaming receipts. This bill requires the department to make grants in the 2001-03 fiscal biennium directly to the Milwaukee Economic Development Corporation for its matching grant program and to the Menomonee Valley Partners, Inc. Funding comes from Indian gaming receipts. The proceeds of these grants must be used to support job creation and private sector implementation of the Menomonee Valley land use plan.

WHEDA currently administers a number of loan guarantee programs under which WHEDA guarantees repayment of a percentage of the outstanding principal amounts of loans made by private lenders to qualified borrowers for various business and agricultural purposes. Most of the loan guarantee programs are backed by funds in the Wisconsin development reserve fund. Each loan guarantee program has a limit on the total outstanding principal amount of all loans that WHEDA may guarantee under the program (guarantee limit). In that way, WHEDA may
guarantee more loans under a program as the loans already guaranteed under that program are repaid.

The bill eliminates the separate guarantee limit under each of the guarantee loan programs that are backed by the Wisconsin development reserve fund and establishes one overall guarantee limit of $62,000,000 for all programs backed by that reserve fund. Thus, as loans guaranteed under a program that is backed by the Wisconsin development reserve fund are repaid, WHEDA may guarantee more loans under any of the programs that are backed by that reserve fund.

Current law requires WHEDA to ensure that the cash balance in the Wisconsin development reserve fund is maintained at a ratio of $1 of reserve funding to $4.50 of outstanding principal that WHEDA may guarantee under all of its loan guarantee programs, except the cultural and architectural landmark loan guarantee program, under which WHEDA no longer guarantees new loans. This bill changes the ratio at which WHEDA must maintain the Wisconsin development reserve fund to $1 of reserve funding to $5.50 of outstanding principal that WHEDA may guarantee under all of the programs guaranteed from the fund, except the cultural and architectural landmark loan guarantee program. The reserve funding ratio for that program remains at $1 of reserve funding to $4 of outstanding guaranteed principal.

Currently, under the Small Business Development Loan Guarantee Program, WHEDA may guarantee repayment of up to the lesser of $200,000 or 80% of the principal of a loan made by a private lender to a small business (a business with 50 or fewer full-time employees) or the elected governing body of a federally recognized American Indian tribe or band in this state. The proceeds of a small business development loan may be used only for expenses associated with the expansion or acquisition of a business or with the start-up of a day care business. This bill adds to the eligible uses of a small business development loan expenses associated with the start-up of a small business in a vacant storefront in the downtown area of a city, town, or village with a population of less than 50,000.

Currently, in each fiscal biennium, the department of tourism may select up to two areas of the state to participate in the Heritage Tourism Program, which entitles an area to assistance in assessing its potential for heritage tourism (tourism that is based on historical or prehistorical resources) and in developing and implementing a plan to increase such tourism. The department of tourism awards grants for promoting heritage tourism in the selected areas to the persons that applied on behalf of the areas. Only one grant may be awarded to an applicant in a fiscal year, and grants may be awarded to an applicant only in two fiscal years.

This bill provides that the two grants that may be awarded to an applicant on behalf of a selected area may be awarded only in the two fiscal years of the fiscal biennium in which the area was selected. The bill also provides that, after the fiscal biennium in which an area was selected, the department of tourism may award grants of up to $5,000 in a fiscal year to a nonprofit organization that is located in
the area. A nonprofit organization is eligible for the new grants even if it previously received grants as the applicant on behalf of the area.

Under current law, WHEFA may issue bonds to finance facilities and related structures that are used for post-secondary education. This bill allows WHEFA to issue bonds to finance facilities and related structures that are used for primary and secondary education.

Under the current Brownfields Grant Program, the department of commerce (department) awards grants to persons, municipalities, and local development corporations for redevelopment of brownfields and remediation activities associated with the redevelopment. This bill provides that all of the following are eligible for a brownfields grant: an individual, partnership, limited liability company, corporation, nonprofit organization, city, village, town, county, or trustee, including a trustee in bankruptcy.

Under current law, the department may award up to $1,000,000 in grants each fiscal year to technology-based nonprofit organizations to provide support for manufacturing extension centers. This bill eliminates the June 30, 2001, expiration date of the Manufacturing Extension Center Grant Program.

Commerce

Uniform Electronic Transactions Act

This bill enacts a version of the Uniform Electronic Transactions Act (UETA), which was approved and recommended for enactment by the National Conference of Commissioners on Uniform State Laws in 1999. Currently, a combination of state and federal laws govern the use of electronic documents and signatures in this state. The most significant federal law in this regard is the Electronic Signatures in Global and National Commerce Act, commonly known as “E-sign.” Although E-sign contains provisions that potentially affect the maintenance and destruction of public records and the acceptance of electronic documents by governmental units, E-sign primarily affects the use of electronic documents and signatures in consumer and business transactions.

E-sign generally preempts inconsistent state laws. However, with possible limited exceptions, E-sign does not preempt a state law that constitutes an enactment of the recommended version of UETA. This bill contains only minor, nonsubstantive changes to the recommended version of UETA as necessary to incorporate UETA into the existing statutes. Several provisions of UETA are subject to varying interpretations. Unless otherwise noted, this analysis reflects the interpretation, if any, that is supported by the prefatory note or official comments to the recommended version of UETA.

Like E-sign, the bill primarily affects the use of electronic documents and electronic signatures in transactions. Under the bill’s broad definitions, such things as information stored on a computer disk or a voice mail recording would likely qualify for use as an electronic document. However, like E-sign, this bill does not apply to the execution of wills, to testamentary trusts, or to a transaction governed by any chapter of this state’s version of the Uniform Commercial Code other than the chapter dealing with sales of goods. Unlike E-sign, this bill may permit the use of
electronic documents for matters relating to family law; court documents; notices of the cancellation of utility services; certain notices of default, acceleration, repossession, foreclosure, eviction, or the right to cure; certain notices of the cancellation or termination of health insurance or life insurance; and product recall notices.

Like E-sign, this bill specifies that a document or signature may not be denied legal effect or enforceability solely because it is in electronic form. Unlike E-sign, this bill further states that an electronic document satisfies any law requiring a document to be in writing and that an electronic signature satisfies any law requiring a signature. The bill does not require the use of electronic documents or electronic signatures. Rather, the bill applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. However, unlike current law under E-sign, this bill does not contain any protections that specifically apply only to consumer transactions. The consumer protections currently in effect under E-sign would likely have no effect in this state upon the enactment of this bill.

Under this bill, a person may use an electronic document in a transaction to satisfy any law requiring the person to provide, send, or deliver information in writing to another person, if the electronic document satisfies certain conditions. Although the bill also states that a document relating to a transaction may not be denied legal effect solely because it is in electronic form, the bill likely permits a person to deny the legal effect of an electronic document that does not satisfy these conditions. The bill also specifies that, with certain exceptions, a document must satisfy any law requiring the document to be posted or displayed in a certain manner; to be sent, communicated, or transmitted by a specified method; or to contain information that is formatted in a certain manner. Although this provision is subject to varying interpretations, it likely requires the parties to a transaction to comply with any legal requirement relating to the provision of information other than a requirement that the information be provided on paper.

The bill establishes the time and location of the sending and receipt of an electronic document, although the parties to a transaction may agree to alter the effect of these provisions. The bill also permits a sender to expressly provide in an electronic document that the document is deemed to be sent from a different location. The bill also establishes the legal effects of any change or error in an electronic document that occurs in a transmission between the parties to a transaction. These effects depend in part upon whether the parties have consented to the use of a security procedure and whether the transaction is an automated transaction involving an individual.

With certain exceptions, this bill permits the use of an electronic document to satisfy any law that requires document retention, as long as the retained information satisfies certain requirements relating to content and accessibility. An electronic document retained in compliance with these provisions has the same legal status as the original document and need not contain any information the sole purpose of which is to enable the document to be sent, communicated, or received. Under current law, this ancillary information is normally required to be retained if the
document to which it is attached is required to be retained. The bill specifies that the state may enforce laws enacted after this bill that prohibit a person from using an electronic document to satisfy any requirement that the person retain a document for evidentiary, audit, or like purposes. It is unclear, though, what types of retention requirements are enacted for “evidentiary, audit, or like purposes.” The bill also specifies that it does not preclude a governmental unit of this state from imposing additional requirements for the retention of any document subject to its jurisdiction. It is unclear how this provision relates to other provisions of the bill which provide that certain electronic documents satisfy any retention requirement.

Like E-sign, this bill also permits electronic notarization, acknowledgement, or verification of a signature or document relating to a transaction, as long as the electronic signature of the person performing the notarization, acknowledgement, or verification is accompanied by all other information required by law. In addition, like E-sign, this bill contains provisions potentially affecting the maintenance and destruction of public records. However, this potential effect is less likely to occur under this bill, if the scope of the UETA provisions is interpreted to be consistent with the prefatory note and comments to the recommended version of UETA. The bill also clarifies an ambiguity in current law under E-sign by authorizing a person to submit an electronic document or signature to a governmental unit only if the governmental unit consents.

**Universal banking**

This bill allows a savings bank, a savings and loan association, and a state bank (a financial institution) to become certified by the division of banking in DFI as a universal bank. If certified as a universal bank, the financial institution may exercise certain additional powers.

In order to be certified as a universal bank, a financial institution must be chartered or organized, and regulated, as a Wisconsin financial institution and be in existence and continuous operation for at least three years; must be well-capitalized; must not exhibit moderately severe or unsatisfactory financial, managerial, operational, and compliance weaknesses; and must not have been the subject of any enforcement action within the 12 months preceding the application. In addition, the most recent evaluation of the financial institution under the federal Community Reinvestment Act must rate the financial institution as outstanding or satisfactory at helping to meet the credit needs of its entire community. Also, the most recent evaluation of the financial institution under certain federal laws relating to customer privacy must indicate that the financial institution is in substantial compliance with those federal laws. A financial institution that the division of banking certifies as a universal bank retains its original status and remains subject to all of the laws that applied to the financial institution prior to its certification as a universal bank, except to the extent that such laws are inconsistent with the powers and duties of universal banks. The bill expands the powers of a financial institution that becomes certified as a universal bank to include any activity authorized for any savings bank, savings and loan association, or state bank.
The bill permits a universal bank, with the approval of the division of banking, to exercise all powers that may be exercised directly by a national bank, a federally chartered savings bank, or a federally chartered savings and loan association. The division of banking may require a universal bank to exercise a federal power through a subsidiary, in order to limit the risk of exposure of the universal bank. In addition, the bill permits a universal bank, with the approval of the division of banking, to exercise through a subsidiary all powers that a subsidiary of these federal financial institutions may exercise.

The bill permits a universal bank to deal in loans or extensions of credit for any purpose. Like state banks, the limitations imposed on a universal bank's lending generally focus on the total amount of liabilities of any one lender at any one time. Although the limit varies, the general rule is that the total liabilities of any one person to a universal bank may not exceed 20% of the capital of the universal bank. In addition, the bill grants a universal bank additional authority to lend an aggregate amount to all borrowers not to exceed 20% of the bank's capital. The division of banking may suspend this additional authority based upon factors including the universal bank's capital adequacy, management, earnings, liquidity, and sensitivity to market risk. The bill prohibits a universal bank, in determining whether to make a loan or extension of credit, from considering any health information obtained from the records of an affiliate of the universal bank that is engaged in the business of insurance, unless the person to whom the health information relates consents.

The bill permits a universal bank to purchase, sell, underwrite, and hold, to the extent consistent with safe and sound banking practices, certain investment securities in an amount up to 100% of the universal bank's capital. A universal bank may not invest greater than 20% of its capital in any one obligor or issuer. Subject to certain limits the bill also allows a universal bank to purchase, sell, underwrite, and hold equity securities. Universal banks may also invest in certain housing properties and projects and profit-participation projects. The bill provides that a universal bank also may invest without limitation in several specific types of securities. The universal bank may invest in risk management instruments, including financial futures transactions, financial operations transactions, and forward commitments, solely for the purpose of reducing, hedging, or otherwise managing its interest rate risk exposure. In addition, a universal bank may invest in other financial institutions. However, the bill contains specific provisions governing the purchase by a universal bank of its own stock and of stock in banks and bank holding companies.

The bill permits a universal bank to establish the types and terms of deposits that the universal bank solicits and accepts. A universal bank may pledge its assets as security for deposits and, with the approval of the division of banking, may securitize its assets for sale to the public. In addition, a universal bank may exercise certain safe deposit and trust powers.

The bill permits a universal bank to exercise all powers necessary or convenient to effect the purposes for which the universal bank is organized or to further the businesses in which the universal bank is lawfully engaged. In addition, the bill
permits a universal bank to engage in activities that are reasonably related or incident to the purposes of the universal bank. Under the bill, any activity permitted under the federal Bank Holding Company Act satisfies the reasonably related or incidental criterion. The bill also contains a list of specific activities that meet the reasonably related or incidental criterion. The listed activities include: real estate–related services; insurance services, other than insurance underwriting; securities brokerage; investment advice; securities and bond underwriting; mutual fund activities; financial consulting; and tax planning and preparation. A universal bank may also engage in activities that the division of banking determines by rule are reasonably related or incidental to these listed activities. In addition, the division of banking, by rule, may determine that other activities are reasonably related or incidental activities. In promulgating these rules, the division of banking need not follow the standard notice, hearing, and publication requirements that generally apply to administrative rule making.

Credit unions

This bill expands the pool of individuals, organizations, and associations that are eligible for membership in a credit union. Under the bill, credit union membership is open to individuals who reside or are employed in well–defined, contiguous neighborhoods and communities, except that, if the office of credit unions determines, subsequent to a merger, that it is inappropriate to require the members of a credit union to reside or be employed in contiguous neighborhoods and communities, the requirement does not apply. In addition, membership is open to individuals who reside or are employed in well–defined, contiguous rural districts or multicounty regions. The bill also opens credit union membership to any organization or association that has its principal business location within any geographic limits of the credit union’s field of membership. The bill also permits a credit union to accept any organization or association as a member if a majority of the directors, owners, or members of the organization or association are eligible for membership.

Under current law, if the need exists, a credit union may establish branch offices within this state or no more than 25 miles outside of this state. In addition, under current law regarding interstate mergers and acquisitions of credit unions, a credit union organized in this state may only merge with, acquire, or be acquired by a state or federal credit union that has its principal office in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, or Ohio. This bill expands the authority of a credit union to establish branch offices. Under the bill, with the permission of the office of credit unions, a credit union may establish branch offices anywhere inside or outside of this state. In addition, the bill repeals this geographic limitation on mergers and acquisitions of credit unions.

Current law does not specifically permit a credit union organized under the laws of another state (non–Wisconsin credit union) to establish a branch office in this state. This bill specifies that a non–Wisconsin credit union may establish a branch office in this state if the office of credit unions finds that certain conditions apply to the non–Wisconsin credit union.
Under current law, subject to certain limitations, a credit union may invest in an organization that is organized primarily to provide goods and services to credit unions, credit union organizations, and credit union members (credit union service organization). Under current law, a credit union may invest in a credit union service organization that is a corporation. Current law specifies the services that a credit union service organization may provide. This bill permits a credit union to invest in a credit union service organization that is a corporation, limited partnership, limited liability company, or any other entity that is permitted under state law and that is approved by the office of credit unions. The bill also permits the office of credit unions to increase the maximum amount that a credit union may invest in a credit union service organization. In addition, the bill expands the types of services that a credit union service organization may provide to include electronic transaction services.

This bill expands the authority of a credit union to act as a trustee, allowing a credit union, to the extent permitted by federal law, to act as a trustee or custodian of member tax deferred retirement funds, individual retirement accounts, medical savings accounts, and other employee benefit accounts or funds. In addition, the bill allows a credit union, to the extent permitted by federal law, to act as a depository for member qualified and nonqualified deferred compensation funds.

Current law contains several credit union reporting requirements and, with certain exceptions, requires the office of credit unions to annually examine the records and accounts of each credit union. The employees of the office of credit unions and members of the credit union review board must keep information obtained in the course of examinations confidential, with limited exceptions. A violation of this confidentiality requirement is subject to a forfeiture (civil penalty) of up to $200. This bill creates a crime for certain disclosures of information by any employee of the office of credit unions or member of the credit union review board and creates a crime for knowingly falsifying certain credit union reports or statements.

This bill requires credit unions to comply with certain federal laws relating to customer financial privacy and requires the office of credit unions to examine credit unions for compliance with these federal laws.

**Alcohol beverages**

Under the current Fair Dealership Law, which applies to most types of product distributors, a wholesaler of fermented malt beverages that operates under a contract or agreement, expressed or implied, with a brewer (known as the grantor) for distribution of a brewer’s products, and that maintains a “community of interest” (i.e., a sufficiently close continuing financial interest) with the brewer, is considered a dealer. A brewer may not terminate, cancel, fail to renew, or substantially change in terms of competitive circumstances a dealer’s distribution rights without good cause. A brewer that does so may be held liable, and injunctive relief preventing the brewer’s actions may be obtained. Good cause means failure by the dealer to comply substantially with essential and reasonable requirements imposed upon the dealer by the brewer, which requirements are not discriminatory as compared to their application by the brewer to other similarly situated dealers. Good cause also means bad faith by the dealer in carrying out the brewer’s distribution business.
Under this bill, a fermented malt beverages wholesaler that does not maintain a “community of interest” with a brewer may still be a dealer of the brewer, such that the wholesaler’s product distribution rights may not be terminated by the brewer without good cause. The bill also requires that, if a fermented malt beverages wholesaler’s authorization to distribute products is terminated in whole or in part by a brewer (even for good cause), any succeeding fermented malt beverages wholesaler must compensate the terminated wholesaler for the fair market value of the distributorship that was terminated by the brewer. An exception exists if the terminated wholesaler was terminated by the brewer because the terminated wholesaler: engaged in material fraudulent conduct or made material and substantial misrepresentations in its dealings with the brewer or others; was convicted of a felony substantially related to operation of the dealership; or knowingly distributed products outside the territory authorized by the brewer. Disputes regarding the amount of compensation owed by a succeeding wholesaler to a terminated wholesaler must be mutually resolved between the parties or resolved through binding arbitration through a nationally recognized arbitration association.

Under current law, with certain exceptions, the outright sale, transfer, or assignment of a license to sell alcohol beverages at retail is illegal and unenforceable. However, current licensees or permittees at times agree to surrender to the issuing authority their license or permit for a premises upon promise of payment by another party if the surrender results in the other party being awarded the liquor license or permit for the premises. This bill prohibits municipalities and DOR from issuing to an applicant a retail license or permit to sell alcohol beverages if the premises described in the application is already covered by a current license or permit of the same kind unless each fermented malt beverage wholesaler to whom the current licensee or permittee is indebted is first notified that another person has applied for a license or permit for the same premises.

Under current law, a person who holds a security interest in alcohol beverages may, without a license or permit, sell alcohol beverages. This bill requires that a sale of fermented malt beverages by a secured party be made within 30 days after the secured party takes possession of the fermented malt beverages unless the secured party demonstrates good cause why this time period is insufficient to make a sale that is commercially reasonable or in conformity with the parties’ security agreement.

Under current law, any person who ships fermented malt beverages from out-of-state to this state must hold an out-of-state shippers’ permit, which authorizes the permittee to ship fermented malt beverages only to licensed wholesalers within the state. This bill requires DOR to issue a written warning for an out-of-state shipper’s first violation, and increases the penalty for any subsequent violation.
Current law generally prohibits any brewer or wholesaler of fermented malt beverages from furnishing anything of value to a retailer of fermented malt beverages. A number of exceptions to this prohibition exist. One exception allows brewers and wholesalers to give to any fermented malt beverage retailer, for placement inside the premises, signs, clocks, or menu boards with an aggregate value of not more than $150. This bill increases the aggregate limit on the value of signs, clocks, or menu boards from $150 to $2,500 during any calendar year. The bill also allows a brewer or wholesaler to provide signs made from plastic, vinyl, or other materials with a limited useful life without limitation on the aggregate value of these signs. The bill further increases the allowable business entertainment value limit from $75 per day to $500 per day and limits the number of days to not more than 12 in a calendar year.

Another exception allows a brewer or wholesaler to purchase advertising from a national or statewide trade association of retailers. This bill allows a brewer or wholesaler to purchase advertising from an advertising agency or media company to promote brewer or wholesaler sponsored sweepstakes, contests, or promotions on the premises of retailers if the promotional material includes at least five unaffiliated retailers and if the retailer on whose premises the sweepstakes, contest, or promotion will occur does not receive compensation for hosting the event. The bill also allows a brewer or wholesaler to conduct its own sweepstakes, contest, or promotion on the premises of a retailer if these same conditions are satisfied.

Another exception allows a brewer that produces 350,000 or more barrels of fermented malt beverages annually to make contributions to national or statewide trade associations of retailers. This bill allows any brewer or wholesaler to make contributions to national, statewide, or local trade associations of retailers. This would include allowing brewers or wholesalers to join local tavern leagues.

**Administrative dissolution of limited liability company**

This bill authorizes DFI to administratively dissolve a limited liability company if any of the following occur: the limited liability company does not pay, within one year, any fees or penalties due DFI; the limited liability company is without a registered agent or registered office in this state for at least one year; and the limited liability company does not notify DFI within one year that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

**Unclaimed property**

Under Wisconsin’s version of the Uniform Unclaimed Property Act (UUPA), certain types of property are presumed to be abandoned if the owner of the property fails to take steps to evidence ownership within a specified time period (dormancy period). With certain limited exceptions, the holder of property that is presumed to be abandoned must report and deliver the property to the state treasurer every other year. With certain limited exceptions, the treasurer must sell the property within three years after the date on which the treasurer receives the property. If the property is a security other than a stock (for example, a stock option or an interest
in a limited partnership), the treasurer must hold the security for at least one year before selling it, unless it is in the best interest of the state to do otherwise. Except for amounts sufficient to cover possible claims and the treasurer’s administrative expenses, the treasurer currently deposits the clear proceeds of the sale of delivered property in the school fund.

Persons claiming an interest in any abandoned or unclaimed property delivered to the treasurer may file a claim with the treasurer to obtain the property. If a claim is allowed, the treasurer generally must deliver the property to the claimant or pay the claimant the amount the treasurer actually received or the net proceeds of the sale of the property, plus certain amounts for dividends or interest accruing to the property. However, if the claim is for any property other than a stock and if the treasurer sold the property within three years after the date on which the treasurer received the property, the treasurer must pay the claimant the value of the property at the time the claim was filed or the net proceeds of the sale, whichever is greater. This alternate method of valuation also applies if the claim is for a stock that the treasurer sold within three years after the date of receipt, as long as the claim is filed within that three-year period.

With certain limited exceptions, this bill requires annual reporting and delivery of unclaimed property to the state treasurer. The bill also shortens from seven years to five the dormancy period that applies to a stock or other intangible ownership interest in a business association. The bill establishes a single procedure that applies to the sale of all abandoned securities delivered to the treasurer, which requires the treasurer to hold the securities for at least one year before selling them, unless it is in the best interest of the state to do otherwise. In addition, the bill deletes the alternate method of valuation that applies to property, including stocks, sold within three years after the date on which the treasurer received the property. Thus, under this bill, the treasurer’s liability for any claim is generally limited to delivery of the applicable abandoned or unclaimed property or payment of the amount the treasurer actually received or the net proceeds of the sale of the property, plus certain amounts for dividends or interest accruing to the property.

**Telemarketing**

This bill creates three prohibitions regarding telephone solicitations, which are unsolicited telephone calls encouraging a person in this state to purchase property, goods, or services. First, the bill prohibits an employee of a professional telemarketer from using a blocking service that withholds from the recipient of the call the name or telephone number associated with the telephone line used to make the call. A professional telemarketer is any business with employees whose primary duty is to make telephone solicitations.

Second, the bill prohibits an employee of a professional telemarketer from making a telephone solicitation to a person who has provided notice to the professional telemarketer that the person does not want to receive telephone solicitations.

Third, the bill prohibits an employee of a professional telemarketer from making a telephone solicitation unless, when initiating the telephone conversation,
the employee discloses each the following: 1) the employee’s name; 2) the identity of the person selling the property, goods, or services for whom the telephone solicitation is being made; and 3) the purpose of the call.

In addition, the bill makes changes to a prohibition under current law against any person using a prerecorded message in a telephone solicitation without the consent of the person called. Under this bill, the prohibition applies to any employee of a professional telemarketer, instead of any person.

**Securities agents**

With certain exceptions, current law prohibits a person from engaging in the business of banking without being organized and chartered as a national bank, state bank, or trust company bank. Certain agents who receive and hold money, pending investment in real estate or securities on behalf of the person who deposited the money, are not engaged in the business of banking and are therefore exempt from regulation. However, this exemption applies only if the agent keeps the money in a separate trust fund, does not mingle the money with the agent’s own property, and does not agree to pay interest on the money other than to account for the actual income that is derived from the money while held pending investment.

This bill expands this exemption to include an agent who receives and holds money, pending investment in real estate or securities on behalf of the person who deposits the money regardless of whether the money is separately kept and regardless of whether the agent agrees to pay interest on the money. Thus, under this bill, an agent may pay interest on money that the agent receives and holds, pending investment in real estate or securities on behalf of the person who deposited the money.

**Wisconsin Consumer Act**

Under current law, a transaction in which a consumer is granted credit in an amount of $25,000 or less and which is entered into for personal, family, or household purposes (consumer credit transaction) is generally subject to the Wisconsin Consumer Act. The Wisconsin Consumer Act provides obligations, remedies, and penalties that current law generally does not require for other transactions. With certain limited exceptions, any person who makes or solicits consumer credit transactions in this state must register with DFI. A person who is subject to this registration requirement must pay a registration fee, unless the average outstanding monthly balance of all consumer credit transactions that the person entered into in this state is $250,000 or less. Currently, the minimum fee is $25 and the maximum fee is $1,500 or 0.005% of the average monthly outstanding balance, whichever is less.

Under this bill, a person is exempt from the annual registration requirement, and the annual registration fee, if the person’s year-end balance is $250,000 or less, although the person still must make an initial registration and pay an initial registration fee. This bill also deletes the statutory minimum and maximum
registration fees and requires DFI to set registration fees by rule, based upon the existing, specified criteria.

BUILDINGS AND SAFETY

Fire dues program

Under current law, an eligible city, village, or town (municipality) may receive a grant from the department of commerce to purchase fire protection equipment, to provide fire inspection services and public education, to train fire fighters and fire inspectors, and to fund certain accounts established for the benefit of fire fighters (fire dues program). The fire dues program is funded from a percentage of certain insurance premiums.

This bill makes numerous changes and clarifications to the fire dues program. With certain exceptions, in order for a municipality to be eligible to receive a grant from the fire dues program, the chief of the municipal fire department currently must provide a fire inspection for every public building and place of employment in the fire department’s territory. Under the bill, a municipality may be eligible to receive a grant if the municipality ensures that at least 95% of the required fire inspections are provided for in the municipality and if the municipality certifies to the department of commerce that these inspections were provided. It is unclear under current law whether certain fire dues program eligibility requirements and fire safety laws apply to a municipality or to a fire department that provides services to a municipality. In general, the bill specifies that the fire dues program eligibility requirements apply to a municipality rather than to a fire department. In addition, the bill requires a municipality to ensure that certain fire safety laws, such as those requiring fire inspections, that apply to a fire department, a fire chief, or other designated individuals, are followed in the municipality.

Fire safety laws

Current law generally requires the chief of each municipal fire department to comply with certain fire safety laws relating to fire inspections and fire safety education. This bill authorizes the department of commerce to create the Fire Safety and Injury Prevention Education Program. In addition, the bill makes numerous changes and clarifications to the fire safety laws. Among other things, the bill expands the department of commerce’s authority with regard to fire safety to include jurisdiction over and supervision of all buildings, structures, premises, and public thoroughfares in this state for the purpose of administering all laws relating to fire inspections, fire prevention, fire detection, and fire suppression. In addition, the bill authorizes the department of commerce to enter a private dwelling, with the consent of the owner or renter, in order to verify the proper installation and maintenance of smoke detectors and fire suppression devices, such as fire sprinklers.

Manufactured building code enforcement

Under current law, the department of commerce administers the manufactured building code to ensure that minimum standards are met for the manufacture and
installation of manufactured buildings as dwellings. Currently, a city, village, town, or county (municipality) may, with the approval of the department of commerce, enact an ordinance to enforce the manufactured building code with regard to the installation of manufactured buildings as dwellings in the municipality. A county ordinance applies in any city, village, or town within the county that has not adopted ordinances to enforce the manufactured building code, unless the city, village, or town is exempt from administration of the manufactured building code. Currently, any small municipality (city, village, or town with a population of 2,500 or less) is exempt from administration of the manufactured building code. Generally, inspections must be performed to enforce the manufactured building code in a municipality.

This bill removes the requirement that a municipality obtain department of commerce approval before enacting an ordinance to enforce the manufactured building code with regard to the installation of manufactured buildings as dwellings in the municipality. In addition, this bill creates new requirements relating to the administration of the manufactured building code in small municipalities. Under this bill, a small municipality may do any of the following:

1. Enact an ordinance to enforce the manufactured building code, either independently or jointly with another municipality, with regard to the installation of manufactured buildings as dwellings in the small municipality.
2. Adopt a resolution requesting the appropriate county to enforce the manufactured building code with regard to the installation of manufactured buildings as dwellings in the small municipality.
3. Adopt a resolution not to exercise either of the above options, in which case the small municipality is exempt from administration of the manufactured building code.
4. Take no action, in which case the department of commerce must enforce the manufactured building code throughout the municipality.

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, any person who is serving a sentence, other than a life sentence, for a felony that was committed before December 31, 1999, may be paroled after serving 25% of his or her sentence. The parole commission makes the decision as to when the person actually is paroled. Currently, any person who is serving a sentence, other than a life sentence, for a felony that was committed on or after December 31, 1999, is sentenced to prison and to extended supervision for a specific time determined by the court.

This bill allows the secretary of corrections to release a prisoner eligible for parole or extended supervision before the end of his or her mandatory time of imprisonment if the prisoner is seriously or terminally ill. Under the bill, the prisoner may be released if the secretary determines that the inmate’s release would not pose a risk of harm to any person and that the inmate’s health care costs are likely to be paid by the federal medicare program, a veteran’s program, medical assistance,
or another federal or state medical program, or by the inmate. The bill requires DOC to promulgate rules regarding eligibility for, and revocation from, this program.

Under current law, if a person violates a requirement of parole or extended supervision, DOC may return the person to prison. Current law also permits DOC to take a person into custody if DOC alleges that the person has violated a condition or rule relating to parole. This bill specifies that DOC may also take a person under extended supervision into custody if DOC alleges that the person has violated a condition or rule relating to extended supervision. In addition, the bill specifies how to calculate the amount of time remaining on a bifurcated sentence for purposes of determining the maximum amount of time for which a person may be returned to prison after a violation of extended supervision and the length of the term of extended supervision that the person must serve thereafter.

Under current law, the person in charge of a state correctional institution is required to notify an inmate’s relative of the inmate’s death. Currently, DOC is also required to provide the relative with written notification that, upon request, DOC will provide the relative with a copy of any autopsy or any report or information regarding the inmate’s death.

Under current law, if the district attorney has notice that the death of a person may be the result of homicide or suicide, or may have occurred under unexplained or suspicious circumstances, the district attorney may order an inquest to determine the cause of the person’s death. The coroner or medical examiner is required to notify the district attorney of a suspicious death and may request that the district attorney order an inquest regarding that death. The district attorney may then order an inquest or may request that the coroner or medical examiner conduct a preliminary examination for the district attorney. If the district attorney does not order an inquest, under current law the coroner or medical examiner may petition the circuit court to order an inquest.

Under this bill, the coroner or medical examiner is required to conduct an autopsy of every individual who dies while he or she is in the legal custody of DOC and is an inmate in a correctional facility located in this state. If the coroner or medical examiner determines that the person’s death was the result of any of the circumstances that could result in the district attorney ordering an inquest, the bill requires the coroner or medical examiner to notify the district attorney and request an inquest.

If an individual dies while he or she is in the legal custody of DOC and confined to a correctional facility in another state under a contract with DOC, the bill requires DOC to have an autopsy performed on the individual. Under the bill, the autopsy must be performed by either a coroner or medical examiner of the county from which the individual was sentenced or by an appropriate authority in the other state. If a coroner or medical examiner of the county from which the individual was sentenced determines that the individual’s death may have been the result of any of the circumstances that would permit the district attorney to order an inquest, a copy of
the results of the autopsy must be sent to the appropriate authority in the other state. The bill requires DOC to pay the costs of an autopsy.

This bill gives DOC authority to establish medium security correctional institutions at Redgranite and New Lisbon. Funding for the building of these institutions was included in the state building program in the 1997 budget act.

The bill also specifies that any correctional institution that has been constructed by a private person and leased or purchased by the state for use by DOC is a state prison and names the medium security penitentiary located near Black River Falls the “Jackson Correctional Institution.”

This bill increases the number of members of the parole commission from six to eight until June 30, 2003. After that date, the parole commission reverts back to six members. The parole commission determines if a person may be released on parole from an adult correctional facility. The chairperson of the parole commission appoints the other members of the parole commission.

Under current law, DOC may require a prisoner in a correctional institution to pay a deductible, a copayment, coinsurance, or a similar charge if the prisoner receives medical or dental care and the prisoner earns wages while he or she resides in the correctional institution. Currently, DOC may exempt or waive the payment of those charges under criteria that DOC establishes by rule. This bill deletes the requirement that the prisoner must earn wages while he or she resides in the correctional institution before he or she may be required to pay a deductible, a copayment, coinsurance, or a similar charge.

Under current law, as interpreted in State ex rel. Speener v. Gudmanson, 234 Wis. 2d 461 (2000), the definition of “correctional institution” for purposes of the laws relating to prisoner litigation does not include an out-of-state jail. As a result of that decision, persons who are in the custody of DOC and placed in a jail or prison that is located outside of this state are not subject to the requirements of the laws relating to prisoner litigation. This bill overrides that decision by defining a “prisoner” for purposes of prisoner litigation to include any person who is incarcerated, imprisoned, or otherwise detained and who is in the custody of DOC or of the sheriff, superintendent, or other keeper of a jail or house of corrections. All persons who are placed in a jail or prison outside this state by DOC are in the custody of DOC.

Under current law, until July 1, 2001, DOC may operate the juvenile correctional facility at Prairie du Chien as a state prison for nonviolent offenders who are not more than 21 years of age. This bill extends that authority to July 1, 2003.

**JUVENILE CORRECTIONAL SYSTEM**

Under current law relating to community youth and family aids, generally referred to as “youth aids,” DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local
delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of $154.08 for care in a juvenile correctional facility or a treatment facility, $76.71 for corrective sanctions services, and $18.62 for aftercare services. This bill increases those assessments for fiscal year 2001–02 to $171.16 for care in a juvenile correctional facility or a treatment facility, $82.89 for corrective sanctions services, and $23.25 for aftercare services and for fiscal year 2002–03 to $176.06 for care in a juvenile correctional facility or a treatment facility, $84.87 for corrective sanctions services, and $23.80 for aftercare services. The bill also eliminates statutorily set assessments for care in a child caring institution, group home, foster home, or treatment foster home.

Under current law, a court assigned to exercise jurisdiction under the juvenile justice code (juvenile court) may place a juvenile ten years of age or over who has committed a Class A felony, which is a crime punishable by life imprisonment if committed by an adult, or may place a juvenile 14 years of age or over who has committed a Class B felony, which is a crime punishable by imprisonment for 60 years if committed by an adult, in the Serious Juvenile Offender Program (SJOP) if the juvenile court finds that the only other disposition that would be appropriate for the juvenile would be placement in a juvenile secured correctional facility. The SJOP contains various component phases for its participants, including placement in a juvenile secured correctional facility or, if the participant is 17 years of age or over, an adult prison. The SJOP also includes a component phase of intensive or other field supervision, including juvenile corrective sanctions supervision, juvenile aftercare supervision or, if the participant is 17 years of age or over, adult intensive sanctions supervision. Also, under current law, DOC may transfer a juvenile who is placed in a juvenile secured correctional facility to the Racine Youthful Offender Correctional Facility, which is a medium security adult correctional institution for offenders 15 to 21 years of age, if the juvenile is 15 years of age or over and the conduct of the juvenile in the juvenile secured correctional facility presents a serious problem to the juvenile or others.

The Wisconsin supreme court recently held, however, in State of Wisconsin v. Hezzie R., 219 Wis. 2d 849 (1998), that subjecting a juvenile who has no right to a trial by jury under the juvenile justice code to placement in an adult prison violates the juvenile's constitutional right to a trial by jury because placement in an adult prison constitutes criminal punishment rather than juvenile rehabilitation. Accordingly, this bill eliminates the authority of DOC to transfer a juvenile who has been adjudicated delinquent to an adult prison, including the Intensive Sanctions Program, which is defined in the statutes as a state prison.

Current law contains conflicting provisions relating to the age under which a juvenile who has been sentenced to an adult prison (juvenile prisoner) must be placed in a juvenile secured correctional facility and the age at which a juvenile prisoner may be transferred to an adult prison. One provision requires DOC to keep juvenile
prisoners under 15 years of age in a juvenile secured correctional facility, another provision requires DOC to keep juvenile prisoners under 16 years of age in a juvenile secured correctional facility, and another provision does not permit DOC to transfer a juvenile prisoner to an adult prison until the juvenile attains 17 years of age. This bill provides a uniform age of 15 years at which DOC may transfer a juvenile prisoner to an adult prison.

Under current law, a participant in the SJOP who has committed a Class A felony may be placed in a juvenile secured correctional facility or an adult prison until the participant has reached 25 years of age and a participant in the SJOP who has committed a Class B felony may be placed in such a facility or prison for not more than three years. This bill permits the juvenile court to extend the period for which a participant in the SJOP may be placed in a juvenile secured correctional facility for not more than an additional two years if the juvenile court finds that the participant is in need of the supervision, care, and rehabilitation that a placement in a juvenile secured correctional facility provides and that public safety considerations require that the participant be placed in such a facility. The bill also permits DOC to extend the period for which a participant in the SJOP may be placed in a juvenile secured correctional facility for not more than an additional 30 days without a hearing, unless DOC provides for a hearing by rule. In addition, the bill specifies that a 30-day extension under the bill does not preclude a two-year extension under the bill, and vice versa.

Under current law, a juvenile may be taken into custody under circumstances in which a law enforcement officer believes, on reasonable grounds, that the juvenile has violated the terms of supervision ordered by the juvenile court or the terms of aftercare supervision administered by DOC or a county department of human services or social services (county department). A juvenile who has been taken into custody on that ground may be held in custody if probable cause exists to believe that the juvenile will run away so as to be unavailable for proceedings of the juvenile court or proceedings for revocation of aftercare supervision. This bill permits a juvenile who has violated a condition of the juvenile’s placement in a Type 2 secured correctional facility or a Type 2 child caring institution (Type 2 CCI) or a condition of the juvenile’s participation in the Intensive Sanctions Program to be taken into custody by a law enforcement officer and held in custody if the juvenile is at risk of running away so as to be unavailable for action by DOC or a county department relating to that violation.

Type 2 secured correctional facilities consist of the Corrective Sanctions Program, under which DOC places a juvenile in the community and provides the juvenile with intensive surveillance and community-based treatment services, the SJOP, and CCIs that DOC has designated as Type 2 secured correctional facilities for the placement of certain juveniles who have been adjudged delinquent. Similarly, Type 2 CCIs consist of CCIs that DOC has designated for the placement of certain juveniles who have been adjudged delinquent and placed under the supervision of a county department. The Intensive Supervision Program is a program under which
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a juvenile is placed in the community and the county department provides the juvenile with intensive surveillance and community-based treatment services.

Under current law, DOC must provide a juvenile boot camp program for juveniles who have been adjudged delinquent and placed under the supervision of DOC. This bill eliminates that program.

Currently, DOC must provide an average of $3,000 per year per slot to purchase community-based treatment services for each participant in the Corrective Sanctions Program. This bill requires DOC to provide an average of not more than $3,000 per year per slot to purchase those services.

COURTS AND PROCEDURE

PUBLIC DEFENDER

Under current law, the state public defender may not provide legal services or assign an attorney to an adult in a criminal case if the adult is not in custody and has not been charged with a crime. Likewise, the state public defender may not provide legal services or assign an attorney to a child in a juvenile case if the child is not in custody and is not yet subject to a proceeding under the children's code or the juvenile justice code in which an attorney must or may be appointed. This bill eliminates both of those prohibitions.

Under current law, judges may sentence misdemeanor offenders to pay a fine not to exceed $10,000 or to serve up to nine months in jail, or both, for each criminal violation classified as a misdemeanor. This bill directs the public defender board, in conjunction with the director of state courts and the Wisconsin District Attorneys Association, to submit to DOA by July 1, 2002, a proposal recommending alternative charging and sentencing options for misdemeanor offenders and, if DOA approves the proposal, to implement the portions of the proposal that do not require changes to state law. The bill permits DOA to earmark up to $2,000,000 in fiscal year 2002–03 for implementation of portions of the proposal approved by DOA.

CIRCUIT COURTS

Under current law, if a court knows that a person, including one charged with a crime, subject to juvenile court proceedings, or subject to mental health proceedings, is unable to communicate and understand English because of a language difficulty or a disability, the court must tell the person that he or she has the right to an interpreter. If the person is indigent, the court must provide an interpreter at the public's expense. Current law also allows courts to use interpreters in other court proceedings and allows agencies to use interpreters in contested cases.

Under this bill, the court must provide a qualified interpreter to those persons who are eligible for an interpreter. A “qualified interpreter” is one who is able to readily communicate with the person, translate the meaning of statements to and from English in the court-related proceedings, and accurately interpret, in a manner that conserves the meaning, tone, and style of the original statement. Under the bill,
the clerk of court may provide a qualified interpreter to assist a person with limited English proficiency when that person asks the court for assistance regarding a legal proceeding, such as how to bring an action to obtain a domestic abuse injunction. The bill allows a person with limited English proficiency to waive the appointment of an interpreter if the court determines on the record that the waiver has been made knowingly, intelligently, and voluntarily, and allows the person to retract that waiver at any time during the court proceedings for good cause.

Currently, a special prosecution fee of $2 is collected by the Milwaukee County clerk of circuit court whenever a circuit court fee is imposed in civil actions to pay the costs of clerks in Milwaukee County in violent crime cases and cases involving felony drug violations. This bill deletes this fee.

OTHER COURTS AND PROCEDURE

Current law prohibits trial, conviction, and sentencing of a person accused of committing an offense if the person lacks sufficient mental capacity to understand the proceeding and to assist in his or her own defense. If there is reason to doubt a person’s mental capacity, the court presiding over the proceeding must appoint a mental health expert to examine the defendant. Current law requires that DHFS provide $484,300 annually to Milwaukee County to pay for competency examinations in that county.

This bill eliminates the designation of Milwaukee County as the recipient agency of DHFS funding for competency examinations, leaving DHFS discretion to select the recipient agency or agencies. The bill also removes the specification of a dollar amount that DHFS must provide for competency examinations in Milwaukee County.

Under current law, if there are no heirs of a decedent in an intestate estate (an estate in which the decedent did not leave a will), or if a legacy or distributive share in an estate cannot be paid to the distributee or is not claimed by the distributee within 120 days after entry of the final judgment, the property escheats to the state and is paid or delivered to the state treasurer (treasurer). The treasurer must publish notice in the official state newspaper with information concerning the estate and the escheated property. Within ten years after the notice is published, a person may make a claim against the escheated property by filing a petition with the probate court that settled the estate and sending copies of the petition to DOR and the attorney general. If the person establishes his or her claim in a court hearing, the court certifies the claim to DOA, which audits the claim; issues an order for any death tax due; and issues an order distributing the estate. The treasurer pays the claim.

Under this bill, the treasurer must publish a notice regarding escheated property at least annually (current law specifies no time requirement); a person filing a petition with the probate court must send a copy of the petition to the treasurer, instead of to DOR; the court is no longer required to certify a claim to DOA, which is no longer required to audit claims; and the court is no longer required to issue an order for any death tax due.
The bill also provides a new, optional procedure for making a claim against escheated property that does not exceed $5,000. Rather than filing a petition with the probate court, a person claiming such property may, within ten years after publication by the treasurer of notice regarding the estate and the escheated property, file a claim with the treasurer. If the treasurer allows the claim, the treasurer files written notice of the allowed claim, as well as written consent of the attorney general, with the probate court, which must issue an order requiring the treasurer to pay the claim. If the treasurer disallows a claim or does not act on a claim within 90 days after it is filed, the person who filed the claim may file an action in the probate court that settled the estate to establish the claim.

Under current law, DATCP administers, investigates, and enforces certain consumer protection and trade practice laws and prosecutes violations of these laws. A person found to have violated one of these laws may be subject to a forfeiture (civil monetary penalty) or a fine. If a court imposes a fine or forfeiture, current law requires the court to impose an assessment equal to 15% of the fine or forfeiture. This bill raises the assessment to 25% of the fine or forfeiture. Currently, the assessments are used by DATCP to pay for providing consumers with information and education. This bill expands the purpose for which these assessments may be used to include all other consumer protection activities conducted by DATCP.

CRIMES

CRIMINAL SENTENCES

The structure of felony sentences under current law

Under current law, if a person committing a felony before December 31, 1999, is sentenced to prison for a term of years, the person receives an indeterminate sentence, which typically consists of a term of confinement followed by parole. The person’s term of confinement is not fixed when the sentence is imposed. He or she may be released on parole after serving as little as one-fourth of the sentence.

Current law provides a separate system for prison sentences for crimes committed on or after December 31, 1999. If a court chooses to sentence a felony offender to imprisonment in a state prison (other than through a life sentence) for a felony committed on or after December 31, 1999, the court must do so by imposing a bifurcated sentence, under which the offender initially serves a fixed term of confinement in prison of at least one year. The maximum term of confinement under a bifurcated sentence for felonies classified in the criminal code ranges from two to 40 years. If the person is being sentenced to prison for an unclassified felony, the term of confinement in prison portion of the sentence may not exceed 75% of the total length of the bifurcated sentence.

An offender is not eligible for parole under a bifurcated sentence. Instead, after serving the term of confinement portion of the bifurcated sentence, he or she serves a fixed term of extended supervision as the second part of the bifurcated sentence.
Concurrent and consecutive sentences

Under current law, a court may order any sentence to be served concurrent with or consecutive to any other sentence imposed at the same time or previously. This bill specifies how the person will serve the periods of confinement and the periods of extended supervision and parole under the sentences under the following circumstances: 1) when the court requires a sentence under which the person may be placed on extended supervision (a “determinate sentence”) to be served concurrent with or consecutive to another determinate sentence; 2) when the court requires a determinate sentence to be served concurrent with or consecutive to an indeterminate sentence; or 3) when the court requires an indeterminate sentence to be served concurrent with or consecutive to a determinate sentence. The bill also requires that a person sentenced to consecutive indeterminate and determinate sentences serve the term of extended supervision under the determinate sentence before serving the period of parole under the indeterminate sentence, regardless of the order in which the crimes were committed or the sentences imposed.

Penalties for criminal attempts

Current law specifies that the maximum penalty for an attempt to commit a felony (other than certain felonies having separate penalties for attempts) is one-half of the maximum penalty for the completed crime. This bill specifies that the maximum term of confinement under a bifurcated sentence imposed for an attempt to commit a classified felony is one-half of the maximum term of confinement for the completed crime. The bill also specifies that the maximum term of confinement under a bifurcated sentence imposed for an attempt to commit an unclassified felony is 75% of the maximum length of the bifurcated sentence for the attempt.

Other sentencing changes

This bill specifies that, if a court, through the application of one or more sentence enhancers, decides to sentence a misdemeanant to prison, the court must impose a bifurcated sentence. In such a case, the term of confinement in prison may not constitute more than 75% of the bifurcated sentence.

Under current law, the maximum term of probation for a misdemeanor is two years, and the maximum term of probation for a felony is the maximum sentence length for the crime or three years, whichever is greater. Under this bill, the maximum term of probation for a felony or for a misdemeanor for which a court may impose a bifurcated sentence is the maximum term of confinement in prison for the crime or three years, whichever is greater.

Under current law, if a person is found not guilty of a crime by reason of mental disease or mental defect and the crime is not punishable by life imprisonment, the person may be committed to DHFS for a maximum term of two-thirds of the maximum sentence length for the crime. Under this bill, the maximum term of commitment for a felony other than one punishable by life imprisonment or for a
misdemeanor for which a court may impose a bifurcated sentence is the maximum term of confinement that could be imposed on a person convicted of the crime.

**OTHER CRIMINAL LAW**

**Crimes related to computers**

Under current law no person may willfully, knowingly, and without authorization modify, destroy, copy, take possession of, or access computer data, computer programs, or supporting documentation of a computer system. This bill increases the penalties for violations of these prohibitions that occur under specified circumstances.

This bill also prohibits intentionally interrupting computer service by sending to a computer, computer program, computer system, or computer network a message that is too complex, or multiple messages that are too voluminous, for the computer, computer program, computer system, or computer network to process. Penalties for violating this prohibition are the same as those applicable to the computer crime described above.

In addition, the bill authorizes courts to enhance the penalties for violations of either of the prohibitions described above if the person committing the violation accesses another person’s computer to commit the violation with the intent to make it less likely that the offender will be identified with the crime.

**Crimes related to images depicting nudity**

Current law prohibits producing, possessing, or distributing a photograph, motion picture, videotape, or other visual representation or reproduction that depicts nudity if the person depicted nude did not consent to the representation or reproduction and if the person who makes, possesses, or distributes the representation or reproduction knows or should know that the person depicted nude did not consent to the nude depiction. The Wisconsin supreme court has found this prohibition unconstitutional because it prohibits all depictions of nudity made without consent, including artistic, political, or newsworthy depictions that are protected by the First Amendment. *State v. Stevenson*, 236 Wis. 2d 86 (2000).

This bill narrows the scope of the prohibition against making an original representation that depicts nudity by requiring that, at the time the representation is made, the subject of the depiction be both nude and in a place and circumstance in which he or she can reasonably expect privacy. Reproducing such an original without the subject’s consent is also prohibited if the reproducer knows or should know that the original was unlawfully made. The bill treats the prohibitions against possessing and distributing representations depicting nudity similarly to the prohibition against making reproductions.

**Crimes relating to providing and describing harmful material to children**

Current law prohibits providing and describing harmful material to a child and possessing harmful material with intent to transfer the harmful material to a child. Harmful material includes nudity, sexually explicit images, and images of torture
and brutality. Current law does not require that the state prove that the defendant knows or should know that the recipient of the materials is a child. The law, however, establishes an affirmative defense under which the defendant may avoid criminal liability by proving that he or she reasonably believed that the recipient was 18 years of age or older. The Wisconsin supreme court has ruled that prohibiting exposure of a child to harmful materials is unconstitutional in cases in which the defendant does not have face-to-face contact with the recipient. State v. Weidner, 235 Wis. 2d 306 (2000). The supreme court based its decision on the chilling effect that the prohibition would have on communication protected by the First Amendment.

This bill makes knowledge of the recipient’s status as a child an element of the crime if the defendant does not have a face-to-face contact with the child. The bill does not add the knowledge-of-age element for cases in which the defendant has face-to-face contact with the recipient, maintaining for those cases the affirmative defense requiring the defendant to prove that he or she reasonably believed that the recipient was at least 18 years of age.

**Computer images and current law crimes**

Several criminal laws prohibit activities related to images of nudity, or images and sounds of obscenity or of children engaged in sexually explicit conduct. Those crimes are: 1) making, possessing, reproducing or distributing images of nudity; 2) importing, printing, selling, transferring, exhibiting, or possessing for publication, sale, exhibition, or transfer, obscene material; 3) photographing, filming, videotaping, or making a sound recording of a child engaged in sexually explicit conduct, or enticing a child to go into a secluded place to take a picture or make a sound recording of the child engaged in sexually explicit conduct; 4) exposing a child to harmful images and sounds; and 5) producing, performing in, profiting from, importing, possessing, and other activities related to child pornography. These prohibitions do not specifically apply to stored data version of images or sounds. In addition, these prohibitions do not uniformly cover digital or magnetic tape recordings. This bill expands the prohibitions related to images of nudity, and images or sounds of obscenity or of children engaged in sexually explicit conduct, to include images and sounds recorded in any manner as well as the data that represents an image or a sound.

**Obscene e-mail**

This bill makes it a crime to send an unsolicited e-mail message that contains obscenity or depicts sexually explicit conduct, if the person sending the e-mail message does not label the e-mail message as “Adult advertisement” in the subject line.

**Statute of limitations for sexual assault**

Under current law, the state must prosecute first and second degree sexual assault within six years of the date of the crime. The state must prosecute first and second degree sexual assault of a child, as well as repeated sexual assault of the same child, before the victim reaches the age of 31.
This bill creates an exception to the time limits for prosecuting the crimes of sexual assault, sexual assault of a child, and repeated sexual assault of the same child in certain circumstances if the state has deoxyribonucleic acid (DNA) evidence related to the crime. If the state collects DNA evidence related to the crime before the time for prosecution expires and does not link the DNA evidence to an identified person until after that time expires, the state may initiate prosecution for the crime within one year of making the match.

**Club drugs**

Current law places restrictions on manufacturing, distributing, delivering, or possessing with intent to manufacture, distribute, or deliver, many drugs. With certain limited exceptions, this bill prohibits manufacturing, distributing, delivering, or possessing with intent to manufacture, distribute, or deliver, 4-methylthioamphetamine (4-MTA or flatliner) or counterfeit versions of 4-MTA. The bill assigns the same penalties for violating this prohibition as are currently assigned to crimes involving phencyclidine (PCP).

The bill also increases the penalties for unlawfully manufacturing, distributing, delivering, and possessing with intent to manufacture, distribute, or deliver, gamma-hydroxybutyric acid (GHB), gamma-butyrolactone (GBL), 3, 4-methylenedioxymethamphetamine (MDMA or ecstasy), 4-bromo-2, 5-dimethoxy-beta-phenylethylamine (2-CB or nexus), ketamine, and flunitrazepam to the penalty levels for PCP. In addition, the bill increases the penalties for unlawfully manufacturing, distributing, delivering, and possessing with intent to manufacture, distribute, or deliver, counterfeit versions of PCP, lysergic acid diethylamide (LSD), methamphetamine, GHB, GBL, ecstasy, nexus, ketamine, and flunitrazepam to the same level as violations involving the genuine drugs.

**Theft of rented or leased motor vehicle**

Under current law, a theft occurs when a person intentionally fails to return rented or leased personal property within ten days after the written rental agreement or lease agreement ends. This bill provides that with respect to a rented or leased motor vehicle a theft occurs when a person intentionally fails to return the rented or leased property at any time after the written rental agreement or lease agreement ends.

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

This bill requires DPI to designate a school district as a school district with expanded flexibility if its pupils’ scores on the fourth, eighth, and tenth grade assessments, the third grade reading test, and the high school graduation examination equaled or exceeded the statewide average scores; its high school graduation rate at least equaled the statewide average high school graduation rate; and its attendance rate at least equaled the statewide average attendance rate.
A school district with expanded flexibility is free from many of the requirements that apply to regular school districts, may create school governance councils to advise principals, and may reassign staff members without regard to seniority. Such a reassignment is a prohibited subject of collective bargaining. In return, a school district with expanded flexibility must, among other things, allocate 85% of all school district revenues for use by principals at their respective schools; ensure that at least 95% of the school district’s pupils who are eligible takes the fourth, eighth, and tenth grade assessments and the high school graduation examination; and ensure that each school in the school district prepares an annual plan that includes performance goals for all pupils, for minority group pupils, for low-income pupils, and for teachers.

Finally, DPI must award grants on a competitive basis to school districts with expanded flexibility to help implement school district decentralization plans and to train principals to be effective administrators in decentralized school districts.

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the UW-Milwaukee, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (Milwaukee charter schools) directly or to contract for the operation of charter schools. These Milwaukee charter schools must be located within the Milwaukee Public Schools (MPS) district and only pupils who reside in the MPS district may attend the charter schools. The operators of the Milwaukee charter schools receive aid for the regular school term based on the number of pupils attending the charter schools, as opposed to school districts, which are entitled to receive state aid for both the regular school term and for summer school. Employees of the Milwaukee charter schools may not be employed by MPS and are thus not eligible to participate in the state’s retirement system.

This bill allows any four-year UW-System institution, state technical college, or cooperative educational service agency (CESA) (an agency that facilitates the provision of services to school districts) to operate charter schools (new charter schools) directly or to contract for their operation. The bill allows the new charter schools and the Milwaukee charter schools to be located in any school district in the state. Only pupils who reside in a school district in which a new charter school is located may attend the new charter school, unless the charter school is established or operated by a CESA, in which case pupils who reside in a school district served by the CESA may attend the charter school. Operators of the new charter schools receive the same amount of state aid per pupil as do the operators of the Milwaukee charter schools for both the regular school term and for summer school. Employees of the new charter schools may not be employed by any school district and are thus not eligible to participate in the state’s retirement system.
This bill directs DPI to make loans to school districts to support the development of charter schools. The funds may be used for costs associated with the start-up of a charter school established by a school district.

Current law requires each school board and each Milwaukee charter school to administer standardized examinations to fourth, eighth, and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district. Beginning in the 2002-03 school year, each school board must also administer a high school graduation examination that is designed to measure whether pupils have met the academic standards adopted by the school board. A school board may either adopt the examinations developed by DPI or develop its own examinations. Identical provisions exist under current law for Milwaukee charter schools. DPI provides the examinations that are adopted, approved, or developed by DPI, and scores those examinations, free of charge.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district, a standardized reading test developed by DPI. The Milwaukee charter schools are required to administer this test to their third grade pupils.

Under current law, the third grade reading test, the fourth, eighth, and tenth grade examinations, and the high school graduation examination are not required to be administered to pupils participating in the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense. Beginning in the 2002-03 school year, this bill allows a private school participating in the MPCP to choose to administer the grade examinations (the third grade reading test and the fourth, eighth, and tenth grade examinations) or the high school graduation examination, or both, to the pupils attending the private school under the MPCP. The bill requires that DPI provide all of the examinations administered to MPCP pupils, and score the examinations, free of charge. The bill also generally prohibits DPI from disclosing the results of the examinations administered to MPCP pupils.

Under current law, beginning on July 1, 2002, each pupil must be given at least two opportunities to take the fourth and eighth grade examinations. This bill eliminates the requirement that each pupil be given two opportunities to take each examination; the bill requires only that the examinations be administered to all pupils in the appropriate grades.

Current law directs DPI to make available upon request, within 90 days after the date of administration, any of the required pupil assessments. This bill requires the person to submit the request in writing and provides that the person may view the examination but not receive a copy. The bill also directs DPI to promulgate rules that, to the extent feasible, protect the security and confidentiality of the examinations.
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Currently, DPI annually must identify those school districts that are low in performance and those schools in which there are pupils who do not meet the state minimum performance standards. This bill requires DPI to publish and report a list of the school districts and schools to the governor and the legislature. The bill also requires the identified school districts to develop improvement plans.

Under current law, a school board may enter into a five-year, achievement guarantee (SAGE) contract with DPI. In exchange for reducing class size and meeting certain performance criteria designed to improve academic achievement in grades kindergarten to three, a school board receives $2,000 for each low-income pupil enrolled in a school participating in the SAGE program.

This bill allows DPI to renew a SAGE contract for one or more terms of five years. The bill also provides that a school board that entered into a SAGE contract in the 2000-01 school year on behalf of a school with a low-income enrollment of less than 50% is required to maintain the reduced class size in kindergarten and first grade, as opposed to reducing class size in grades kindergarten to three.

Under current law, DPI must arrange for an annual evaluation of the SAGE program. This bill requires DPI to select the evaluator of the SAGE program by using a competitive process that ensures impartiality.

This bill creates a five-member board on education evaluation and accountability (BEEA) attached to DOA and headed by an executive director. On July 1, 2002, the bill transfers the pupil assessment program, the school performance report program, and the responsibility for arranging an evaluation of the SAGE program from DPI to BEEA. The bill also authorizes BEEA to conduct a study of the MPCP if BEEA receives sufficient funds from private sources.

Currently, a private school must notify DPI of the school's intent to participate in the MPCP by May 1 of the previous school year. This bill changes the date to February 1. The bill also directs DPI to notify the private school by March 1 whether the private school is eligible to participate in the MPCP. If DPI determines that the school is ineligible, the notice must include an explanation. The bill allows a private school 14 days to appeal a negative determination to DPI and requires DPI to decide the appeal within seven days.

Under current law, a pupil is eligible to participate in the MPCP if he or she is a member of a family that has a total family income that does not exceed 175% of the federal poverty level. This bill raises that threshold to 185% and provides that a pupil who participates in the MPCP may continue to participate in subsequent years even if the pupil's family income rises above the threshold.

Under current law, only private schools located in the city of Milwaukee may participate in the MPCP. This bill provides that a private school located outside the city that is situated on property any portion of which is located in the city may also participate in the MPCP.
Under current law, a person must hold a license to teach granted by DPI in order to teach in a public school in this state. In general, licensure requires completion of a professional education program approved by DPI, including completion of a certain number of credits in specified subjects, student teaching, a criminal background investigation, and payment of a fee.

This bill directs DPI, upon the request of a school board, to grant a temporary initial teaching license to any person who satisfies all of the requirements for an initial license other than the educational requirements if the school board making the request intends to employ the person as a teacher and the school board determines that the person has a bachelor’s degree, or at least five years of practical experience, in a field that is related to the subject that he or she will be teaching, or served at least five years in the U.S. armed forces and has practical or teaching experience in a field related to the subject he or she will be teaching. The temporary license is valid for two years and may not be renewed unless the licensee completes an alternative teacher training program during the two-year period, in which case DPI must grant a five-year, renewable, initial teaching license to the person that is considered retroactively effective to the date that the temporary license was granted.

Recent administrative rules promulgated by DPI establish three levels of teacher licensure: initial educator, professional educator, and master educator. This bill directs DPI to grant an initial license to teach to any person who holds a valid license as a teacher issued by another state and also directs DPI to grant the highest level of license (currently, the master educator license) to any person who holds a valid license as a teacher issued by another state and is certified by the National Board for Professional Teaching Standards.

Under current law, DPI awards grants to Wisconsin residents who are licensed by DPI and employed as teachers in Wisconsin and who are certified by the National Board for Professional Teaching Standards. This bill eliminates the grant program’s residency requirement.

With certain exceptions, current law requires that bilingual–bicultural education programs be taught by bilingual teachers. This bill eliminates this requirement for programs in grades kindergarten to eight.

Current law requires DPI to revoke, without a hearing, a license granted by DPI if the licensee is convicted of any of a number of specified crimes. In addition, DPI may revoke a license, with a hearing, if the licensee is incompetent or behaves immorally. This bill requires DPI to revoke a license, without a hearing, if the licensee is convicted of a crime in another state or another country that is substantially similar to one of the specified crimes and allows DPI to impose conditions or restrictions on a license or suspend a license, with a hearing, if the licensee is incompetent or behaves immorally.

Current law prohibits DPI from granting a license to a person convicted of a number of specified crimes or of crime in another country or state that is equivalent to one of the specified crimes. This bill prohibits DPI from granting a license to a
person convicted of a number of specified crimes or of a crime in another state or country that is substantially similar to one of the specified crimes.

Under the common law, a court may deny public inspection of a record created or maintained by a public entity if the custodian of the record demonstrates that the public interest in nondisclosure of the information contained in the record outweighs the strong public interest in disclosure. This bill requires an educational agency (in general, a school district or a CESA) to release to DPI all records relating to an employee or former employee of the educational agency who is licensed by DPI if DPI has commenced an investigation to determine whether to initiate license limitation, suspension, or revocation proceedings. The bill also requires DPI to keep this released information confidential.

Current law generally prohibits the disclosure of the results of criminal background investigations conducted by DOJ or the federal bureau of investigation for DPI. This bill requires DPI to disclose the results of criminal background investigations to an educational agency if the subject of the criminal background investigation is employed by or applying for employment with the educational agency and if the educational agency requests the information and the employee or applicant consents. The bill also requires the educational agency to keep this released information confidential.

Under current law, school districts, CESAs, counties, and operators of Milwaukee charter schools are eligible to receive aid to reimburse them for certain costs of providing special education, such as the cost of salaries of special education teachers and the cost of transporting special education pupils to school. When distributing special education aid, DPI must first distribute aid for the full cost of special education for children in hospitals and convalescent homes for orthopedically disabled children. If the remaining sum of money appropriated to reimburse other special education costs is insufficient, DPI must prorate the remaining aid, leaving some eligible entities with unreimbursed special education costs.

This bill provides that a portion of the aid paid to school districts and the Milwaukee charter schools for special education is based on the number of pupils enrolled in the school district or charter school, and a portion is based upon the number of pupils enrolled in the school district or charter school who are eligible for a free or reduced-price lunch under federal law.

The bill also provides supplemental special education aid to school districts, CESAs, counties, and Milwaukee charter school operators if their special education costs per pupil equals or exceeds $50,000. The amount of this supplemental aid for a “high-cost” special education pupil equals 50% of the difference between $50,000 and the unreimbursed special education costs. In addition, DPI must first distribute the supplemental aid, along with the aid for children in hospitals and convalescent homes, before distributing aid for other special education services.

This bill provides that the individualized education program team, appointed by a local educational agency or LEA (a school district, CESA, county, or Milwaukee
charter school operator) to evaluate a child to determine whether the child is disabled and to develop an individualized education program for a child with a disability, is not responsible for determining the appropriate special education placement for the child. Under the bill, the LEA is responsible for determining the child's placement.

The bill directs DPI to ensure, to the extent practicable, that all rules promulgated by DPI that relate to special education are identical to federal regulations that relate to special education.

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. Several exceptions to this revenue limit exist, including an exception for a school district with a per pupil base revenue for the previous school year that is less than the statutorily prescribed revenue ceiling of $6,500 per pupil. Such a school district is allowed to increase its per pupil revenue up to this ceiling without holding a referendum.

This bill eliminates the inflation adjustment beginning in the 2001–02 school year and sets the amount at $220.29 per pupil for the 2001–02 school year and for each subsequent school year. The bill also changes the revenue ceiling to $6,700 per pupil for the 2001–02 school year and to $6,900 per pupil in subsequent school years.

Under current law, if a school district exceeds its revenue limit, DPI must deduct from the district's state aid payments an amount equal to the excess revenue. If the amount is insufficient to cover the excess revenue, the statutes direct DPI to order the school board to reduce the property tax obligations of its taxpayers by an amount that represents the remainder of the excess revenue.

This bill provides that DPI's order to reduce the property tax obligations of a school district's taxpayers does not apply to property taxes levied for the purpose of paying the principal and interest on debt validly issued by the school board. Under article XI, section 3 (3), of the Wisconsin Constitution, when a school district borrows money it must levy an irrepealable tax sufficient to pay the principal of and interest on the debt.

Under current law, if a school district's revenue is less than its revenue limit, it may carry over 75% of its unused revenue-limit authority to the next school year. In addition, each fall DPI calculates the total amount of state aid that each school district will receive in the current school year and makes any necessary adjustments to that calculation by increasing or decreasing state aid paid in the following September.

This bill provides that a school district whose aid is increased by DPI in September of the following school year and whose aid increase is less than its unused revenue-limit authority may carry over as unused revenue-limit authority an amount equal to the amount of the additional September aid plus an amount calculated by determining its unused revenue-limit authority and multiplying the
difference between the remainder and the amount of additional September aid by 0.75. If the school district’s increase in aid is equal to or greater than its unused revenue-limit authority, the bill provides that the school district may carry over 100% of its unused revenue-limit authority.

Under current law, 40% of a school district’s summer enrollment is included in its enrollment count when the school district’s revenue limit is calculated. This bill reduces this percentage to 25% by the 2003–04 school year.

Currently, the general school aid formula provides three tiers of state support for the public schools. The second tier of support is for costs per student between $1,000 and the secondary cost ceiling. Currently, the secondary cost ceiling per pupil is the prior year’s secondary cost ceiling per pupil adjusted by the rate of inflation. This bill sets the secondary cost ceiling per pupil at $6,900 in the 2001–02 school year and $7,300 in the 2002–03 school year. Thereafter, the secondary cost ceiling per pupil is the prior year’s cost ceiling adjusted for inflation.

Current law guarantees that a school district will receive in “special adjustment aid” sufficient funds to ensure that it receives at least 85% of its prior year’s payment of general school aid. In addition, each fall DPI calculates the total amount of state aid that each school district will receive in the current school year and makes any necessary adjustments to that calculation by increasing or decreasing state aid paid in the following September. This bill provides that DPI may not consider the amount of this adjustment of state aid in calculating special adjustment aid.

Under current law, referenda are required or authorized to be held by school districts to incur debt or exceed state revenue limits, or to exceed the levy rate limit for a school construction fund that is applicable only to the Milwaukee Public Schools (MPS). These referenda are required or authorized to be held at special elections when no offices appear on the ballot. This bill provides that the referenda must be held concurrently with the spring election (held in each year) or the general election (held in each even-numbered year), or on the Tuesday after the first Monday in November in an odd-numbered year.

Under current law, a public school may not begin the school term until September 1 unless it holds a public hearing on the issue and adopts a resolution. The hearing must be held no earlier than the preceding July 1. Beginning in the 2002–03 school year, this bill allows the hearing to be held as early as the preceding May 1. The bill also prohibits classes from being held on August 30, 2001, and August 31, 2002.

Under current law, a school district is required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit concerning the wages, hours, and conditions of employment of the employees. Among the subjects that are mandatory subjects of collective bargaining is any
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A school calendaring proposal that is primarily related to wages, hours, and conditions of employment. This bill provides that a school district may not bargain collectively with respect to the establishment of the school calendar, but expressly requires that a school district must bargain collectively with respect to the impact of any school calendar decision on wages, hours, and conditions of employment.

Current law authorizes the MPS board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district (educational services statute). The MPS board may also close any school that it determines is low in performance (school closing statute). If the MPS board closes a school or reopens a school that has been closed, the superintendent of schools may reassign the school’s staff without regard to seniority in service. In addition, the MPS board is prohibited from bargaining collectively with respect to: 1) the board’s decision to contract with a private nonsectarian school or private nonsectarian agency in the city to provide educational programs to pupils, or the impact of any such decision on the wages, hours, or conditions of employment of the employees who perform those services; or 2) the reassignment of employees who perform services for the board, with or without regard to seniority, as the result of a decision of the board to close or reopen a school or to contract with an individual to operate a charter school or to convert a school to a charter school, or the impact of any such reassignment on the wages, hours, or conditions of employment of the employees who perform those services (collective bargaining statute). This bill extends the educational services, school closing, and collective bargaining statutes to cover all school boards.

Current law allows two or more school districts to consolidate. On the effective date of the consolidation, employees of the consolidating school districts become employees of the new consolidated school district. This bill authorizes the school district administrator of the new consolidated school district, for 60 days after the effective date of the consolidation, to lay off or reassign school district employees without regard to seniority in service. In addition, the bill provides that any such layoff or reassignment of school district employees is a prohibited subject of collective bargaining.

This bill directs DPI to award grants to up to six school boards on behalf of schools that demonstrate improved academic performance and to promulgate rules to implement the grant program that include, as performance criteria, dropout rates, improvement in pupils’ performance and in teachers’ knowledge and skills, graduation rates, and the number of teachers who have received national board certification. DPI must ensure that the grants do not exceed $2,000 multiplied by the number of employees in all schools in the school district that meet the performance criteria contained in DPI’s rules.

Under current law, a school district may not provide to its professional employees who are not in collective bargaining units an average increase in compensation and fringe benefits that has an average cost per employee exceeding
3.8% of the average total cost per employee of compensation and fringe benefits provided by the school district to such employees for the preceding 12-month period ending on June 30 or the average total percentage increased cost per employee of compensation and fringe benefits provided to its professional employees who are in collective bargaining units during the 12-month period ending on June 30 preceding the date that the increase becomes effective, whichever is greater. This bill provides that any compensation received by professional employees who are not in collective bargaining units from school performance grants is not subject to this limitation on compensation and fringe benefit costs.

Current law exempts computers from property taxation. This bill provides that the amounts received by school districts to compensate them for the reduction in their tax base due to the property tax exemption for computers is included in their shared cost for the purpose of computing general aid.

This bill directs DPI to award grants to CESAs to fund the development, for school districts, of education services that are unrelated to instruction. The bill also directs DPI to award grants to two or more school districts that are considering consolidating or coordinating the provision of educational services for the purpose of studying the feasibility of the consolidation or coordination.

Currently, under the Open Enrollment Program, a pupil may attend any public school located outside his or her school district of residence if the pupil’s parent complies with certain application procedures. A school board may, however, deny an open enrollment application if the school district does not have enough space for the pupil. In determining the availability of space, a school board may consider class size limits, pupil–teacher ratios, nonresident pupils whose school district of residence pays tuition to the nonresident school district, and enrollment projections. If the school board receives more open enrollment applications than it has spaces, the school board must select pupils randomly. A school board must also give preference in accepting open enrollment applications to pupils already attending school (continuing pupils) and their siblings.

In *McMorrow v. State Superintendent of Public Instruction, John T. Benson*, No. 99–1288 (July 25, 2000), the Wisconsin Court of Appeals held that the requirement that a school board give preference in accepting open enrollment applications to continuing pupils and their siblings applies only when there are spaces available in the first place; when there are more applicants than available spaces, the pupils accepted must be determined randomly. The court also held that a school board may not include continuing pupils in its space determination. This bill permits a school board to adopt policies that include continuing pupils and their siblings in space determinations and allows a school board to give preference in accepting the open enrollment applications of continuing pupils and their siblings, even if the school board determines that it does not have space for the pupils.
In administering the open enrollment program, DPI annually adjusts each school district’s share of state aid depending upon whether the district has more or fewer nonresidents attending the district than it has residents attending other districts. The per pupil adjustment is based upon the statewide average per pupil cost for regular instruction, cocurricular activities, instructional support services, and pupil support services. This bill bases the adjustment on two-thirds of the total statewide average per pupil cost.

Currently, with certain exceptions, if a pupil attends a public school outside the school district in which the pupil resides, the pupil’s parent or guardian pays tuition. Tuition is currently the statewide average per pupil cost for regular instruction, cocurricular activities, instructional support services, and pupil support services. Under this bill, beginning in the 2002–03 school year, tuition is two-thirds of the total statewide average per pupil cost.

This bill creates an 11-member committee, appointed by the governor, to review and make recommendations for modifying DPI’s administrative rules. The committee must identify those rules that are outmoded, impede innovation, cause inefficiencies, or fail to promote academic achievement, and those rules that should not apply to school districts that are granted extended flexibility status. DPI must review the committee’s recommendations and propose modifications to its rules based on those recommendations.

This bill directs DPI to submit to the governor and to DOA a plan for the reorganization of the division for learning support and instructional services in DPI. The plan must provide for the creation of a bureau for school improvement to provide on-site, technical assistance to schools and school districts, especially schools and school districts that are low in performance. If the plan is approved by the governor, the bureau must consist of school performance teams, each of which must include one licensed teacher employed by a school district and assigned to DPI under an interagency exchange agreement.

This bill prohibits DPI from promulgating a rule that relates to distance education without the approval of the secretary of administration, the technical college system board, and the technology for educational achievement in Wisconsin board.

This bill directs DPI to distribute to school districts the maximum amount of federal aid that is allowed under federal law, except for those funds provided for administrative purposes.

This bill directs DPI to ensure that the vocational education consultants employed by DPI coordinate their activities with the staff of the governor’s work-based learning board.
CURRENT LAW

Currently, the state pays public school tuition for any pupil in a foster home, treatment foster home, or group home if the home is located outside the school district in which the pupil’s parent or guardian resides and the home is exempt from property taxation. Under this bill, the state also pays public school tuition for any pupil who resides in a foster home, treatment foster home, or group home if the home is located outside the school district in which the pupil’s parent or guardian resides and the pupil receives special education, even if the home is subject to property taxation, if at least 4% of the school district’s enrollment resides in such homes that are subject to property taxation.

Under current law, towns, villages, cities, counties, public inland protection and rehabilitation districts, town sanitary districts, metropolitan sewerage districts, joint sewerage systems, school districts, technical college districts, cooperative educational service agencies, and consortia of two or more school districts, technical college districts, counties, cities, villages, or towns may obtain state trust fund loans from the board of commissioners of public lands. Currently, a federated public library system whose territory lies within one county is considered to be an agency of that county and, therefore, may obtain a state trust fund loan through the county. This bill permits a federated public library system whose territory lies within two or more counties, which is a separate legal entity from the counties participating in that system, to obtain a state trust fund loan.

This bill requires DPI to charge school districts a fee for the use of BadgerLink, which provides statewide access, through the Internet, to periodical and reference information databases.

HIGHER EDUCATION

Current law prohibits the UW board of regents (board) from increasing resident, undergraduate tuition beyond an amount that is sufficient to fund certain costs, such as compensation and fringe benefits for UW employees and the costs of nontraditional courses, but permits the board to spend the entire amount of tuition received. Beginning in the 2002–03 academic year, this bill eliminates the restrictions on increasing resident undergraduate tuition.

Under current law, the board may not create or abolish any position funded with general purpose revenues (GPR) without legislative approval. This bill permits the board to create or abolish faculty and academic staff GPR-funded positions without legislative approval if it submits a request to DOA containing a clear explanation of how the board will fill the requested position and if DOA approves the request.

Under current law, the board may create or abolish certain positions funded with program revenue without legislative approval if it reports the number of positions created or abolished and the funding source to DOA and JCF. This bill allows the board to create positions funded from program revenue generated from
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courses for which nonresident and resident students pay the same tuition and for which the tuition charged equals 100% of the cost of offering the course. The bill also imposes the same reporting requirement for these new positions.

Under current law, the board may, until the 2000–01 academic year, exempt from the payment of nonresident tuition a certain number of students enrolled at UW–Parkside and UW–Superior. This bill allows the UW board to continue to exempt these pupils after the 2000–01 academic year.

Current law requires the board to make all reasonable efforts to provide night courses. This bill instead requires the board to ensure that at least 15% of all UW System course sections that are offered for credit and that do not exclude undergraduate students are offered during the evenings and weekends or by electronic means.

Under current law, the board must remit resident, undergraduate tuition for children or spouses of certain persons, such as police officers, who are killed in the line of duty. This bill directs the board to remit the resident, undergraduate tuition of the winner of the Wisconsin state science fair for up to five consecutive years. A winner who receives the fee remission, remains in good academic standing, and completes a bachelor’s degree receives a two-year fee remission for a science–related graduate program.

Currently, the technical college system (TCS) board must approve the qualifications of educational personnel and the courses of study for each program offered in the district schools. This bill allows a district board to employ an instructor who is not certified by the TCS board if the instructor holds a valid industry certification recognized by the TCS board.

Current law prohibits the TCS board from considering any course of study for approval if the course has not first been approved by the district board. This bill eliminates this prohibition. The bill also requires the district board to offer any program or course of study that the TCS board directs the district board to offer, and to eliminate any program or course of study that the TCS board directs the board to eliminate.

Currently, a district board must hold a referendum if it intends to make a capital expenditure that exceeds $500,000. Under certain conditions, that requirement does not apply to a capital expenditure to purchase or construct an applied technology center. One of the conditions is that the expenditure be made before January 1, 2002. This bill extends that date to July 1, 2003.

The TCS board currently awards incentive grants to district boards for a variety of purposes. This bill authorizes the TCS board to award a grant to a district board to assist in the statewide marketing and promotion of the TCS. The bill also prohibits the TCS board from awarding any incentive grant to a district board without first reviewing and approving the district board’s budget.
This bill directs the governor to appoint a committee to study the feasibility of consolidating the UW System two-year colleges and the TCS and to report its findings to DOA by January 1, 2002.

This bill directs the TCS board to establish a system that allows a student enrolled in one technical college to enroll in a course offered over the Internet by another technical college without paying additional fees to the technical college offering the course. The bill also directs the TCS board to assist technical colleges to develop Internet courses and to establish an Internet site that provides information on all such courses.

Under current law, the College Tuition and Expenses Program (popularly known as “EdVest”) allows a person to purchase “tuition units” that can later be used to pay college tuition, room, board, and related expenses on behalf of the purchaser, the purchaser’s child or legal guardian, or, if the purchaser is a trust, the beneficiary of the trust. The College Savings Program, designed to complement EdVest, allows a person, including a charitable organization, to make contributions to a college savings account to pay the college expenses of a named beneficiary or an unnamed, future recipient of a scholarship account established by the charitable organization.

EdVest is administered by the state treasurer, while the College Savings Program is administered by the college savings board (board), which must contract with a private vendor for the investment of the contributions to the college savings accounts. Both a college tuition and expenses or college savings account must be closed if the funds in the account are not used within ten years of the original projected date of the beneficiary’s or recipient’s enrollment.

This bill allows a person to purchase tuition units on behalf of any named beneficiary, allows a charitable organization to open an EdVest scholarship account for an unnamed, future recipient, and permits, but does not require, the state treasurer or the board to close a college tuition and expenses or college savings account if the account’s funds are not used within ten years of the original projected date of the beneficiary’s or recipient’s enrollment. The bill also permits revenues generated from EdVest or College Savings Program enrollment fees and fees paid by the College Savings Program vendor to be used to defray the administrative costs of either program.

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the educational communications board (ECB) is responsible for overseeing the provision of public broadcasting in this state. In addition, the board of regents of the UW System, as licensee, must manage, operate, and maintain a radio and television station and provide the ECB part-time use of equipment and space necessary for the operations of the state educational radio and television networks.

This bill creates a public broadcasting transitional board (transitional board) that is responsible for creating a nonstock, nonprofit educational broadcasting corporation (corporation). The bill directs the transitional board to draft and file
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articles of incorporation for a corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, the transitional board must provide in the articles of incorporation that the members of the transitional board are the initial directors of the corporate board. The transitional board must prepare an application for the corporate board to submit to the federal communications commission (FCC) to transfer all broadcasting licenses held by the ECB and the board of regents to the corporation, except licenses held by the board of regents for student radio; negotiate an agreement with the Wisconsin Public Radio Association to transfer funds raised by the Wisconsin Public Radio Association to the corporation; and negotiate an agreement with each friends group to transfer funds raised by the friends group to the corporation.

If the FCC approves the transfer of all broadcasting licenses held by the ECB to the corporation, the ECB is eliminated on the effective date of the transfer. If the FCC approves the transfer of all broadcasting licenses held by the board of regents to the corporation, the corporation assumes the broadcasting activities of the board of regents.

The corporation is entitled to receive state aid for its operational expenses if the corporation, generally, maintains a state system of radio broadcasting for presenting educational, informational, and public service programs; maintains television channels for educational use; and enters into a contract with the board of regents for the services of the employees of the board of regents related to providing public broadcasting services.

If the FCC approves the transfer of all broadcasting licenses held by the ECB to the corporation, ECB employees become DOA employees and those employees will provide broadcasting services to the corporation under a contract between DOA and the corporation.

Under current law, school districts, public library boards, and certain other educational agencies are eligible to receive grants and loans for educational technology from the technology for educational achievement in Wisconsin (TEACH) board. This bill makes certain secured correctional facilities for juvenile delinquency and the UW–Milwaukee, Milwaukee Area Technical College, and the city of Milwaukee eligible to receive these grants and loans on behalf of charter schools that they sponsor.

This bill directs the TEACH board to award grants to school districts in the 2001–03 fiscal biennium to train pupils to provide educational technology support services.

Under current law, the TEACH board makes subsidized loans to school districts and public library boards that may be used only for upgrading and installing computer network wiring. In addition, certain educational agencies, such as school districts and public library systems, may participate in the Educational Telecommunications Access Program, which provides these agencies with access to data and video links.
This bill allows public library boards to use the loans to purchase hardware necessary for direct connection to the internet and to enter into shared services agreements concerning telecommunications access with local units of government. The bill also permits individual public library branches to participate in the Educational Telecommunications Access Program.

Under current law, the state has participated in the formation and operation of the Wisconsin Advanced Telecommunications Foundation (foundation), which is organized as a nonstock corporation. As required under current law, the foundation has established an endowment fund, which consists of a onetime $500,000 contribution by the state and contributions by telecommunications providers. As also required under current law, the foundation has established a fast start fund, which consists of contributions by telecommunications providers. The foundation uses both funds to provide funding for advanced telecommunications technology applications projects and efforts to educate telecommunications users about advanced telecommunications services. Current law also provides that if the foundation substantially ceases operations, the state’s unencumbered contribution to the endowment fund must be returned to the state. Effective February 6, 2001, the foundation dissolved itself and transferred its funds to DOA as a gift.

This bill eliminates all provisions under current law regarding the foundation. In addition, the bill provides that $2,000,000 of the moneys that are received by DOA are transferred to the TCS board for establishing an Internet site that lists all the Internet courses provided by the technical colleges and to assist technical colleges to develop Internet courses.

The bill also provides that the following moneys that are received by DOA are transferred to the TEACH board for the following purposes: 1) $136,200 for administrative and support services to resolve the outstanding business of the foundation and performing other duties specified by the secretary of the TEACH board; and 2) $566,200 for closing out any existing grants awarded by the foundation.

In addition, the bill provides that the following moneys that are received by DOA are transferred to the board of regents of the UW System for the following purposes: 1) $250,000 for the UW Learning Innovations at UW−Extension to establish a nonprofit, tax-exempt corporation whose purpose is to establish distance education classrooms in Wisconsin trade offices abroad and offer UW System distance education courses from those classrooms; 2) $3,000,000 for funding the activities of the UW Learning Innovations at UW−Extension; 3) $500,000 for developing wireless networking systems that allow students to use laptop computers and docking stations to connect to the Internet; 4) $2,000,000 for funding the UW System’s project designated “Internet 2,” which upgrades technology infrastructure on campuses for enhancing high−speed Internet activity; 5) $500,000 for purchasing a digital mammography machine for the UW Medical School; and 6) $1,000,000 for funding the Wisconsin advanced distributed co−laboratory, a computer laboratory located on the UW−Madison campus. If the last transfer is made, the UW System board of regents must submit a report to DOA by September 1, 2003, that shows how the money was used and describes any federal funding for the co−laboratory.
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Also under the bill, the following moneys that are received by DOA are transferred to DPI for the following purposes: 1) $579,000 for upgrading the Wisconsin Informational Network for School Success; 2) $77,800 for upgrading the state school finance information system; 3) $526,000 for completing a network upgrade and upgrading and replacing assistive technology devices and related software programs for the Wisconsin Center for the Blind and Visually Impaired; 4) $161,600 for replacing the automated system at the Wisconsin Regional Library for the Blind and Physically Handicapped; and 5) $500,000 for awarding a grant to the National Geographical Society Education Foundation for establishing a program for awarding grants and supporting programs for improving geographical education in the state, with an emphasis on student use of geographic information systems technology. The transfer of $500,000 for awarding the grant to the National Geographical Society Education Foundation is contingent on that foundation’s contribution of $500,000 in matching funds for the program that is established.

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

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

EMPLOYMENT

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

Under MERA, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin employment relations commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and
conditions of employment. If WERC determines that an impasse exists and that arbitration is required, WERC must submit to the parties a list of seven arbitrators, from which the parties alternately strike names until one arbitrator is left. As an alternative to a single arbitrator, WERC may provide for an arbitration panel that consists of one person selected by each party and one person selected by WERC. As an alternative, WERC may also provide a process that allows for a random selection of a single arbitrator from a list of seven names submitted by WERC. Under current law, an arbitrator or arbitration panel must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

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

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

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

Under current law, the Wisconsin conservation corps (WCC) employs young adults to work on conservation and human services activities. The WCC program is administered by the WCC board, which may delegate its administration responsibilities to the executive secretary of the board. This bill eliminates the WCC board and the position of executive secretary of the board and transfers
administration of the WCC program to DWD. The bill also creates a WCC council to advise DWD in developing guidelines, standards, and procedures for the administration of the WCC program, including guidelines for selecting WCC projects and standards and procedures for the selection, hiring, promotion, discipline, and termination of WCC enrollees.

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

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

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

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

Under current law, DWD provides a job center network through which job seekers may receive comprehensive career planning, job placement, and job training information. As part of the job center network, DWD provides career counseling
centers at which youths may receive access to comprehensive career education and job training information and assistance in locating apprenticeship and other work experience opportunities that are related to the youth’s education. This bill transfers responsibility for providing career counseling centers from DWD to the board.

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

ENVIRONMENT

Hazardous substances and environmental cleanup

Local governmental units and contaminated property

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

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

Current law generally requires a person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance to restore the environment to the extent practicable and to minimize the harmful effects of the discharge on the environment. Current law generally exempts a local governmental unit from these clean-up requirements with respect to hazardous
substance discharges on property acquired in specified ways, such as through tax delinquency proceedings and condemnation.

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

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

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

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

**Liability exemptions**

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

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

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

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

Under current law, a voluntary party is exempt from absolute requirements to restore the environment and minimize the harmful effects of a discharge, and from the requirements of other laws relating to hazardous substances, if an
environmental investigation of the property is conducted, the property is cleaned up, except with respect to a substance in groundwater that DNR determines will naturally attenuate, DNR certifies that the cleanup restored the environment and minimized the harmful effects of the discharge except with respect to the substance that DNR has determined will naturally attenuate, the voluntary party maintains and monitors the property as required by DNR, and, if required by DNR, the voluntary party obtains insurance to cover the costs of cleanup if natural attenuation fails.

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

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

**Petroleum storage remedial action**

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

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

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

Under current law, DNR oversees the cleanup of high-risk sites under PECFA, and the department of commerce oversees the cleanup of other sites. Under this bill, a high-cost site is a site at which more than $200,000 in eligible costs under PECFA have been incurred. Under the bill, the department of commerce oversees the
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cleanup of a site that becomes a high-cost site after November 30, 2001, once more than $400,000 in eligible costs under PECFA have been incurred or more than seven years have elapsed since the investigation of the discharge was completed. The bill imposes requirements on DNR and the department of commerce to oversee cleanups so that clean-up activities are completed at high-cost sites within specified periods.

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

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

Other hazardous substances and environmental cleanup

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

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

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

Under the Land Recycling Loan Program, this state provides loans to cities, villages, towns, and counties (political subdivisions) for projects to remedy environmental contamination at sites where the environmental contamination has affected, or threatens to affect, groundwater or surface water. The loans are
subsidized, so that recipients are not required to pay interest. Each biennial budget act establishes the present value of the subsidies that may be provided under the Land Recycling Loan Program during that biennium. This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2001–03 biennium at $9,110,000.

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

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

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

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

WATER QUALITY

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. Financial assistance is typically provided in the form of a loan at a subsidized interest rate. Each biennial budget act establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that biennium. This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2001–03 biennium at $90,000,000. The bill increases the general obligation bonding authority for the Clean Water Fund Program by $65,000,000 when the bill is enacted and an additional $20,000,000 on July 1, 2003.
The bill also increases the revenue bonding authority for the Clean Water Fund Program by $92,000,000.

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

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

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

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

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

1. The system serves an urbanized area, as determined by the U.S. bureau of the census.
2. The system serves an area with a population of 10,000 or more and a population density of 1,000 or more per square mile and DNR requires the operator to obtain a permit based on an evaluation of the system’s impact on water quality.
3. DNR requires the operator to obtain a permit because the system contributes pollutants to an interconnected system that is required to obtain a permit.

Under current law, DNR, in conjunction with DATCP and local governmental units, administers a program to provide financial assistance for measures to reduce
water pollution from nonpoint (diffuse) sources. This bill increases the general obligation bonding authority for the Nonpoint Source Program by $22,400,000.

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

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

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

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

**Voluntary environmental improvement**

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

A public or private entity that is subject to environmental laws (regulated entity) may participate in tier I of the Green Tier Program. To participate, a regulated entity must conduct an environmental performance evaluation or have an environmental management system. An environmental performance evaluation is a systematic review of the effects of a facility on the environment, including an
evaluation of compliance with one or more environmental laws. An environmental management system is a set of procedures designed to evaluate the effects of a facility on the environment and to achieve improvements in those effects.

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

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

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

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

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

The bill requires DNR to provide public recognition to an entity that participates in tier II of the Green Tier Program. The bill also requires DNR to assign one of its employees to serve as the contact with DNR for a participant in tier II for all licenses and permits that the participant must obtain from DNR. After a
participant in tier II implements an environmental management system, DNR must conduct inspections of the participant’s facilities that are covered under green tier at the lowest frequency that is permitted under DNR’s rules.

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

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

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

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

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

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

**Other Environment**

Under current law, a registrant is required to pay an environmental impact fee of $6 upon registering a new motor vehicle with DOT or upon applying for a new certificate of title following a transfer of a vehicle. The environmental impact fees
are credited to the environmental fund and are earmarked for environmental management activities. Currently, the law requiring a registrant to pay an environmental impact fee expires on June 30, 2001. This bill extends that expiration date to September 30, 2003.

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

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

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

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

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

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

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

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

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

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

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

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

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

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

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

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

Under current law, DHFS administers the Badger Care Health Care Program (BadgerCare) under a waiver from the federal department of health and human services. BadgerCare provides health care coverage to certain low-income families and to certain low-income children who do not reside with a parent. As a condition
of eligibility for BadgerCare, a family or child must be without access to employer–subsidized health care coverage for a period specified by DHFS by rule.

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

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

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

The bill authorizes DHFS to require certain MA providers, as a condition of certification, to file with DHFS a surety bond, payable to DHFS, that would reasonably pay the amount of a recovery and DHFS’s costs to pursue recovery of overpayments or to investigate and pursue allegations of false claims or statements. The bill also authorizes DHFS to limit the number of providers of particular services that may receive MA certification or limit the amount of resources, including employees and equipment, that a certified provider may use to provide MA services and items.
The bill changes numerous provisions relating to procedures for the recovery by DHFS of MA overpayments or improper or erroneous payments, including all of the following:

1. Hearing requirements are eliminated and, instead, a provider has the opportunity to present information and argument to DHFS staff.

2. A deadline for the payment of recoveries is established, and payment of interest on delinquent amounts is required.

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

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

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

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

Currently, the long-term support Community Options Program (COP) provides functionality assessments of, and home and community-based care to, among others, elderly and disabled persons as an alternative to institutionalized care. One part of COP (often referred to as COP-Regular) is funded by state general purpose revenues and the other part (often referred to as COP-Waiver) is funded jointly by federal medicaid and state MA moneys under a waiver of federal medicaid laws. Also under MA under a waiver of federal medicaid laws, a Community
Integration Program (often referred to as CIP II) provides home and community-based services and continuity of care for persons relocated from institutions, other than the state centers for the developmentally disabled, and for persons who meet requirements for MA reimbursement in nursing homes.

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

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

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

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

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

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

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

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

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

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

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

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

Under current law, medicare part A and part B beneficiaries who are MA recipients with incomes at or below 100% of the federal poverty line or who are elderly or disabled persons with low incomes and resources receive payment for medicare deductible and coinsurance amounts, monthly medicare premiums, and, if applicable, late enrollment penalties for medicare part A premiums. (Medicare part A provides inpatient hospital coverage for persons who are aged 65 or disabled, and medicare part B provides coverage for outpatient services for those persons.) MA recipients whose incomes are above 100% of the federal poverty line receive MA payment of medicare deductible and coinsurance amounts; if they are beneficiaries
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of only medicare part A or part B, they receive MA payment of the applicable medicare part A or part B deductible and coinsurance amounts. However, for all of these MA recipients, MA payment for the coinsurance for a service under medicare part B may not exceed the allowable charge for the service under MA minus the medicare payment amount.

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

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

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

HEALTH

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

With certain exceptions, this bill makes uniform the sanctions that DHFS may impose on hospitals, nursing homes, C-BRFs, licensed adult family homes, residential care apartment complexes, rural medical centers, home health agencies, and hospices that violate conditions of licensure, certification, approval, or registration or applicable standards of care. The bill specifies procedures for requesting a hearing to contest imposition of a sanction. The bill eliminates DHFS’s authority to suspend a license, certification, approval, or registration. Under the bill, if DHFS provides a C-BRF, hospital, or home health agency with written notice of the grounds for a sanction, an explanation of the types of sanctions that DHFS may impose, and an explanation of the appeal process, DHFS may order that the C-BRF, hospital, or home health agency do any of the following: 1) if operating without a license or approval, cease operation; 2) terminate the employment of any person who
operated or permitted operation of a C-BRF, hospital, or home health agency for which a license or approval was revoked; 3) stop violating a provision of licensure or approval; 4) for a C-BRF only, submit a plan of correction for violation of a provision of licensure or approval; 5) for a C-BRF only, implement and comply with a plan of correction that is approved or developed by DHFS; 6) for a nursing home, C-BRF, or hospital only, suspend new admissions until all violations are corrected; or 7) provide training in one or more specific areas for staff members. In addition, if DHFS provides the same type of written notice, DHFS may impose any of the following:

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

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

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

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

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

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

Under current law, the governor may enter into an agreement with the federal Nuclear Regulatory Commission to discontinue certain federal licensing and related regulatory authority with respect to by-product material (certain radioactive material and the tailings or waste from ores processed for uranium or thorium), source material (any material except special nuclear material that contains a
specified percentage of uranium or thorium), and special nuclear material (uranium enriched in specified isotopes and plutonium). Rules that DHFS must promulgate for by-product, source, and special nuclear material must be no less stringent than federal requirements.

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

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

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

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

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

**WISCONSIN WORKS**

Under current law, DWD administers the Wisconsin Works (W−2) Child Care Subsidy Program. Under this program, an individual who meets certain nonfinancial and financial eligibility requirements and who is the parent, foster parent, guardian, or kinship care relative of a child under the age of 13 or, if the child is disabled, under the age of 19, may be eligible for a child care subsidy if the
individual needs child care to work or to pursue basic or technical college education. A kinship care relative is an individual who receives monthly payments under the Kinship Care Program. The Kinship Care Program provides monthly payments to individuals who are relatives of children and who provide care and maintenance for the children either temporarily (short-term kinship care relative) or on a more permanent basis (long-term kinship care relative).

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

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

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

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

Under current law, DWD contracts with W-2 agencies to administer the W-2 program. Current law requires that these two-year contracts require the W-2 agency to establish a community steering committee that consists of at least 12 members but not more than 15 members. A community steering committee is responsible for advising W-2 agencies on employment and training activities, creating and encouraging others to create subsidized jobs for W-2 participants, identifying child care needs, improving child care access, and expanding the availability of child care.
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This bill eliminates the requirement that the community steering committee consist of a specified number of members. The bill also requires that a W−2 contract require the community steering committee to serve individuals who are receiving services under the federal Temporary Assistance for Needy Families (TANF) block grant program and to coordinate its services with a local workforce development board.

PUBLIC ASSISTANCE

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

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

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

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

Under current law, DWD contracts with counties and W−2 agencies to administer a work experience program for noncustodial parents, commonly referred to as the Children First Program. Under the program, counties and W−2 agencies provide work experience, job training, and job search assistance to noncustodial
parents (parents who do not live with their children for substantial periods) who are required to participate in the program because they failed to pay court-ordered child support or to meet their child’s needs for support because of unemployment or underemployment. Current law requires DWD to pay the county or W-2 agency administering the program $400 for each noncustodial parent who participates in the program.

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

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

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

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

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

CHILDREN

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

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

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

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

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

Under current law, for each child living in a foster home, treatment foster home, group home, child caring institution, secure detention facility, or shelter care facility, whether under a voluntary agreement or under an order of the juvenile court, the
agency that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child under the juvenile court order must prepare a written permanency plan, which is a plan designed to ensure that a child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability. This bill requires a permanency plan to be prepared for a child who, under a juvenile court order, is living in the home of a relative.

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

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

Under current law, if the parental rights of all living parents of a child are terminated or if a child has no living parents, the juvenile court may transfer guardianship of the child to DHFS, which is then responsible for securing the adoption of the child. If a permanent adoptive placement is not in progress two years after entry of the termination of parental rights (TPR) or guardianship order, DHFS
may petition the juvenile court to transfer legal custody of the child to a county department, but DHFS remains the guardian of the child. This bill shortens that time frame to one year after entry of the TPR or guardianship order. The bill also authorizes DHFS to petition the juvenile court to transfer guardianship of such a child to a county department that is authorized to accept guardianship of children.

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

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

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

Current law requires DHFS to pay claims not payable by other insurance for bodily injury or property damage sustained by a foster, treatment foster, or family-operated group home parent (parent) or a member of the parent’s family as a result of an act of a child placed in the parent’s care. Current law also permits DHFS to pay claims not covered by other insurance for acts or omissions of a parent that result in bodily injury to a child placed in the parent’s care or that form the basis for a civil action for damages against the parent, and for bodily injury or property damage that is caused by an act or omission of a child who is placed in the parent’s care and for which the parent becomes legally liable. Currently, the amount of those
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claims that DHFS may approve in a fiscal year is subject to a $200 deductible. This bill lowers that deductible amount to $100.

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

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

FAMILY CARE

Under family care, a program of financial assistance in providing long-term care and support items, persons are entitled to (will receive) a benefit if they are at least 18 years of age, have physical disabilities or infirmities of aging, meet financial criteria, and fulfill any applicable cost-sharing requirements. They must also meet any of several criteria related to functionality, eligibility for MA, the need for protective services or protective placement, and the existence of chronic or terminal conditions. Other persons may be eligible for, but are not necessarily entitled to, the family care benefit if they are at least 18 years of age, have physical disabilities or infirmities of aging, meet financial criteria, fulfill any applicable cost-sharing requirements, and meet any of several criteria relating to functionality. DHFS is authorized to determine the date on which these functionality criteria first apply to applicants for the family care benefit who are not MA recipients, but the date may not be later than July 1, 2000. Persons with developmental disabilities in a county in which family care initially was provided before July 1, 2001, are both eligible and entitled. One of the criteria for functionality for both entitled and eligible persons is that the person have a condition that is expected to last at least 90 days or result
in death within 12 months after the date of application and, on the date that the family care benefit became available in the person’s county of residence, the person was a nursing home resident or had been receiving care under long-term MA, the Alzheimer’s Family Caregiver Support Program, community aids, or county funding.

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

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

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

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

This bill requires that DHFS ensure that family care benefit and family care services information, functional and financial screenings, and access for eligible persons to protective services or protective placement and elder abuse services are
provided, rather than requiring that a family care resource center provide these. Also, under the bill, persons who are residents of certain facilities and are members of a target population served by a care management organization in the county must receive this information.

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

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

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

Currently, a county board of supervisors or, in a county with a county executive or county administrator, that person, may create a family care district (a special purpose district that is organized to operate a family care resource center or a care management organization, but not both). The county board of supervisors or county executive or county administrator also appoints the 15 members of the family care district board, which is the governing body for the family care district. If a county joins with one or more counties, the county board of supervisors of each county may create a family care district, with a 21-member board. The lengths of terms of the initial members of the family care district board are specified. Up to one-fourth of the members may be elected or appointed officials or employees of the county. Also, in each county that participates in family care, the county board must appoint a local long-term care council, which develops the initial county plan for the structure of the Family Care Program in that county.
This bill permits a county board of supervisors or a county executive or county administrator to appoint only the initial members of a family care district board, and requires that both the proposed creation of a family care district and the proposed appointments to the family care district board be first reviewed and approved by the secretary of health and family services. This limitation also applies to the county boards of supervisors that join in creating a family care district. The local long-term care council must also review the proposed initial members of the family care district board and recommend to that secretary approval or disapproval of the proposed membership. The bill authorizes members of the family care district board, once initially appointed, to appoint successors to the board. The bill decreases the length of the terms of the initial members and limits to less than one-fourth of the membership the number of family care district board members who may be elected or appointed county officials or county employees.

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

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

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

This bill appropriates moneys that are received as estate recovery from family care enrollees who are ineligible for MA to pay for administering the estate recovery and to pay care management organizations to provide the family care benefit. With respect to moneys that are received as estate recovery from family care enrollees who are eligible for MA, the bill appropriates those moneys as part of the state share of MA that is provided as the family care benefit.
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Under family care, a client may contest specified matters, including estate recovery and incorrectly paid benefit payments, by filing a written request for a hearing with the division of hearings and appeals in DOA. The client must file the request within 45 days of receiving notice of a decision in a contested matter or within 45 days of the failure by a resource center or care management organization under family care to act on the matter under time frames specified by DHFS. DHFS also must promulgate rules relating to estate recovery and the recovery of incorrectly paid family care benefits that are substantially similar to MA recovery provisions.

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

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

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

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

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

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

The bill specifies procedures for requesting a hearing to contest a forfeiture, suspension, or revocation.
Currently, the Northern Center for the Developmentally Disabled, Southern Center for the Developmentally Disabled, and Central Center for the Developmentally Disabled are operated by DHFS to provide various services to persons with developmental disability and to return those persons to the community when appropriate.

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

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

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

This bill requires that, for a defendant in a criminal trial who has been ordered to receive an examination for mental competency to undergo trial, the sheriff of the defendant's county of residence must transport the defendant to and from the examining facility. The bill requires that a county department of community programs reimburse a mental health institute at the institute's daily rate for all days of custody of a county resident who is examined for competency to proceed in a criminal trial, beginning 48 hours (excluding Saturdays, Sundays, and legal holidays) after the sheriff and county department receive notice that the examination has been completed.
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Under current law, DHFS must distribute not more than $350,000 in federal funds in each fiscal year to counties to assist in relocating individuals with mental illness from institutional or residential care to less restrictive and more cost-effective community settings and services.

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

OTHER HEALTH AND HUMAN SERVICES

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

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

Currently, a funeral director, a member of a decedent’s immediate family, or a person authorized to dispose of unclaimed corpses or anatomically to study donated bodies who moves a corpse must, within 24 hours after the death, file certain
information on a death certificate. The funeral director, family member, or person must forward the certificate to the decedent’s attending physician or, for certain deaths (for example, homicides), to a coroner or medical examiner to provide a description of the cause of death on a separate medical certification section on the death certificate. This bill requires that, beginning January 1, 2003, a certificate of death consist of three parts that contain: 1) fact−of−death information (the name and other identifiers of the decedent, including the decedent’s social security number; the date, time, and place that the decedent was pronounced dead; the manner of death; the identity of the person certifying the death; and the dates of certification and filing of the death certificate); 2) extended fact−of−death information (all the previous information, plus injury−related data and information on final disposition and cause of death); 3) statistical−only information (all other information that is collected on the standard death record form recommended by the federal agency responsible for national vital statistics and other data, as directed by the state registrar, including race, educational background, and health−risk behavior).

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

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

Under current law, the marriage document must contain the social security number of each party, as well as any other informational items that DHFS determines are necessary. This bill requires that the marriage document consist of the marriage license and the marriage license worksheet, and that the latter contain the social security number and other information items determined by DHFS to be
necessary and to agree in the main with the standard form recommended by the federal agency responsible for national vital statistics.

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

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

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

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

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

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

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

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

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

Under current law, before DOA may approve any payments to counties for providing supportive, personal, or nursing services to individuals who reside in a certified residential care apartment complex, DHFS must submit an annual report on the statewide medical assistance daily cost of nursing home care to DOA for review and approval. If DOA approves the report, DOA may make the payments to counties. This bill makes submission of the report optional and eliminates the requirement that DOA approve the report before DOA may make the payments to counties.
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Current law requires the council on physical disabilities to submit to the legislature recommendations on matters relating to physically disabled individuals and requires the council on mental health to submit to DHFS, the governor, and the legislature policy recommendations in the area of mental health. The bill permits, rather than requires, the council on physical disabilities and the council on mental health to submit the reports.

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

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

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

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

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

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

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

Currently, a permit to operate a restaurant that operates at a fixed location in conjunction with an event such as a fair (a “temporary restaurant”) may be applied
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to a premises other than that for which it was issued if DHFS or a local health department approves. A person who operates a bed and breakfast establishment for more than ten nights in a calendar year must obtain a biennial permit from DHFS. DHFS or a local health department that acts as an agent of DHFS may not without a preinspection provide a permit for operation of a new, or newly operated, hotel, tourist rooming house, bed and breakfast establishment, restaurant, or vending machine commissary.

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

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

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

Under current law, if a decedent left solely owned property not exceeding $20,000 in value, an heir may have any of the property, including an interest in real property, transferred to himself or herself by presenting the person holding the property with an affidavit containing certain information. This bill provides that, if an interest in real property of a decedent is transferred to an heir by affidavit, DHFS has a lien on that interest in real property if the decedent does not have a surviving spouse or child who is under age 21 or disabled. If the decedent has a surviving spouse or child who is under age 21 or disabled, DHFS has a lien on the interest in real property only if the real property was the decedent’s home. DHFS may enforce its lien by foreclosure, in the same manner as a mortgage, but not while the decedent’s spouse, if any, or child who is under age 21 or disabled, if any, is alive.
Under current law, financial institutions must participate in a financial record matching program operated by DWD for the purpose of determining whether a person who owes child support or maintenance (formerly called alimony) has an account at a particular financial institution. Under this bill, DWD must reimburse a financial institution up to $125 per quarter for its participation in the program. Under current law, DWD must provide by rule for a reimbursement amount that does not exceed a financial institution’s actual cost.

**INSURANCE**

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

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

**LOCAL GOVERNMENT**

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

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

This bill creates an aidable expenditures payment for a municipality. The bill also creates a “growth-sharing region” payment for a municipality. Beginning in 2002, a municipality receives an aidable expenditures payment that is equal to the product of the municipality’s aidable expenditures and the municipality’s tax base weight. Aidable expenditures include a municipality’s expenditures for general government operations; law enforcement, fire protection, ambulance services, and other public safety services; and health and human services. Aidable expenditures do not include a municipality’s expenditures for highway maintenance,
administration, or construction; road-related facilities or other transportation; solid waste collection and disposal or other sanitation; culture; education; parks and recreation; conservation; or development.

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

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

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

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

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

Under current law, a city, village, or town (municipality) is authorized to impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. A municipality may also impose a special charge against real property in an adjacent municipality for current services rendered by the municipality imposing the special charge, if the
municipality in which the property is located approves the imposition. A “service” under current law includes snow and ice removal, repair of sidewalks or curb and gutter, garbage and refuse disposal, and other similar services. If not paid on time, a delinquent special charge becomes a lien on the property against which it is imposed.

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

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

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

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

Under current law, a register of deeds may charge a fee to provide copies of documents that are recorded in his or her office and to certify the copies. Currently,
the copying fees are $2 for the first page of a document and $1 for each additional page, plus 25 cents to certify the copy of the document. None of these fees apply to DOR, however. This bill increases the certification fee to $1.

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

**NATURAL RESOURCES**

**WILD ANIMALS AND PLANTS**

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

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

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

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

Under current law, the only specific authority DNR has regarding aquatic plant management is the authority to develop a statewide program to control purple loosestrife. Under the new program, the types of aquatic plants that will be regulated include Eurasian water milfoil, curly leaf pondweed, and purple loosestrife. Under the program, with certain exceptions, DNR must issue aquatic plant management permits and promulgate rules to regulate the conditions under which aquatic plants may be managed. The bill prohibits any person who does not have such a permit from cultivating or introducing aquatic plants that are not native to this state, from manually removing any type of aquatic plant from navigable waters, and from controlling any type of aquatic plants by the use of chemicals. The bill repeals the current law that makes the failure to remove cut aquatic weeds from a navigable water a nuisance.
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Under current law, DNR issues various hunting, trapping, and fishing licenses and permits. Those licenses and permits must contain certain information including the name and address of the holder. The agent that issues the licenses and permits must also sign them. Current law also specifies that DNR may require any stamp that it issues to bear the signature of the holder of the stamp. This bill eliminates the requirement that hunting, trapping, and fishing licenses and permits be signed by the issuing agent and that stamps bear the signature of the holder.

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

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

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

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

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

**Navigable waters**

Under current law, the Fox River management commission (river commission), is authorized to enter into agreements with the federal government to operate and manage the Fox River navigational system (navigational system), which includes locks, harbors, and other facilities related to navigation that are on or near the Fox River. Under current law, a second commission, the Fox-Winnebago regional management commission (Fox-Winnebago commission), will replace the river.
commission when the state receives federal funding for the restoration and repair of the navigational system. The duties and powers of these two commissions are similar; however, these two commissions differ in that the river commission is a state agency attached to DNR and the Fox–Winnebago commission is a regional commission with ten of its thirteen members representing the five counties in which the navigational system is located and the remaining three members being appointed by the governor.

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

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

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

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

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

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

The bill requires that the authority submit a management plan to DOA that addresses the costs and funding for the rehabilitation, repair, replacement, operation, and maintenance of the navigational system and describes how the authority will manage its funds to ensure that there are sufficient funds available to abandon the navigational system if its operation is no longer feasible. If the operation of the navigational system does become infeasible, the authority must submit a plan for its abandonment. Before abandoning the navigational system, DOA and DNR must determine that the abandonment plan will preserve the public rights in the Fox River and will ensure safety.
Under current law, a person may not have a boat, a boat trailer, or boating equipment in the lower St. Croix River if the person has reason to believe that the boat, equipment, or trailer has zebra mussels attached. This bill provides that a person may not place these items in any navigable water if the person has reason to believe that there is any type of aquatic plant other than wild rice attached to the boat, trailer, or equipment.

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

This bill makes the following changes to the first program:

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

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

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

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

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

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

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

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

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

RECREATION

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

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

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

This bill changes the expedited service system by authorizing the establishment of a noncomputerized procedure and a computerized procedure for issuing original and duplicate registration documents and for transferring and renewing these documents. Under either procedure, DNR or the agents issue adequate documentation so that the registrant is able to immediately operate the ATV, boat, or snowmobile in compliance with the applicable registration laws. Under
both systems, DNR and the agents collect an expedited service fee of $3 from the registrant. Agents using the noncomputerized system retain the entire fee while agents using the computerized system send $1 of each $3 fee to DNR. Under the bill, DNR may continue to provide a registration service that does not use any expedited service procedure and for which no expedited service or issuing fee is charged.

**OTHER NATURAL RESOURCES**

Under current law, drainage boards operate one or more drainage districts. DATCP assists drainage boards and oversees their activities. A city, village, or town (municipality) may assume jurisdiction to operate a drainage district from a drainage board in certain instances. However, once a drainage district is under municipal jurisdiction, it is subject to the drainage laws of that municipality and is exempt from state drainage law.

DNR regulates construction in navigable waters. Generally, DNR determines whether a body of water such as a stream is navigable. Current law, however, provides an exemption for a drainage district drain that is located in the Duck Creek Drainage District. Under the exemption, the drain is not considered navigable unless a U.S. geological survey map or other scientific evidence shows that the drain was a navigable stream before it became a drainage district drain. This bill extends this exemption to any other drainage district drain if the drain is used primarily for agricultural purposes.

Current law generally provides that a person wishing to deposit any material or to place any structure upon the bed of any navigable water must obtain a permit from DNR. Current law provides an exemption to this requirement for the Duck Creek Drainage District under which the drainage board for that district may place a structure or deposit in a drain if DATCP, after consulting with DNR, specifically approves the structure or deposit or if the structure or deposit is required by DATCP in order to conform the drain to specifications approved by DATCP in consultation with DNR. This bill extends this exemption to any other structure or deposit to be placed in a drainage district drain if the structure or deposit is used primarily for agricultural purposes.

Current law also provides that, with certain exceptions, a person wishing to remove material from the bed of a lake or stream must obtain a permit from DNR. Under one of the exemptions, the drainage board for the Duck Creek Drainage District may remove material from a drain that the board operates if the removal is required by DATCP in order to conform the drain to specifications imposed by DATCP in consultation with DNR. This bill extends this exemption to all other drainage district drains if the removal of the material is necessary primarily for agricultural purposes.

In addition to the current law requirements for obtaining permits to place a structure or deposit in navigable waters or to remove material from the bed of a lake or stream, current law requires that a drainage board obtain a separate permit from DNR to acquire and remove any dam or obstruction or to clean out, widen, deepen, or straighten any navigable stream. Under current law, only the Duck Creek
Drainage District is exempt from this permitting requirement. This bill eliminates the permitting requirement for all drainage districts operated by drainage boards.

Current law grants the state bonding authority to acquire and develop land for various conservation purposes under two stewardship programs, one that began in 1990 and one that began on July 1, 2000. These programs are administered by DNR.

Under the program that began in 1990, the state is prohibited from using stewardship bonding to provide money to counties, local units of government, or political subdivisions so that they may acquire land by condemnation or may develop land that has been acquired by condemnation. Under current law, the program that began on July 1, 2000, does not include this prohibition. This bill applies the prohibition to this program.

Under current law, with certain exceptions, DNR may not use stewardship bonding under the program that began on July 1, 2000, for a project or activity that exceeds $250,000 in cost unless it first notifies JCF of the proposal. This bill provides that DNR need not give notice to JCF unless the amount for the project or activity exceeds $500,000.

Under current law, DNR awards grants to cities and villages for up to 50% of the cost of various tree projects, including tree disease evaluations and public education concerning trees in urban areas. This bill expands the grant program to authorize DNR to also award grants to counties, towns, and nonprofit organizations.

Under current law, DNR may award grants for up to 50% of the cost of acquiring certain clothing, supplies, equipment, and vehicles used for fire suppression purposes. This bill provides that the grants may also include awards for 50% of the cost of acquiring fire prevention materials and of the cost of training fire fighters in forest fire suppression techniques.

**OCCUPATIONAL REGULATION**

This bill increases the fees for initial and renewal credentials for each of the occupations and businesses that DORL regulates except for renewal credentials for aesthetics schools, barbering or cosmetology schools and instructors, cemetery authorities, cemetery preneed sellers, cemetery salespersons, charitable organizations, electrology instructors, electrology schools, and manicuring schools.

Under current law, with certain exceptions, a person may not act as a private security person unless he or she is issued a private security permit by DORL. A “private security person” is defined as a private police, guard, or other person who stands watch for security purposes. To qualify for a private security permit, a person must satisfy certain requirements, including being employed by a private detective agency that is licensed by DORL and that does both of the following: 1) supplies uniformed private security personnel that patrol exclusively on private property; and 2) provides an up-to-date written record of its employees to DORL.
Also under current law, an individual who applies for a private security permit is eligible for a temporary private security permit that allows the person to engage in private security activities while DORL considers the application. A temporary private security permit is valid for no more than 30 days. This bill increases the duration of a temporary private security permit to no more than 60 days. The bill also clarifies that an applicant for a temporary private security permit is subject to the requirements under current law that an applicant for a credential issued by DORL or a board in DORL reimburse DORL for the cost of investigating the applicant and pay a fee for the temporary permit.

The bill also creates a private security agency license and allows a person to qualify for a private security permit by being employed by either a licensed private detective agency or a private licensed security agency that does both of the following: 1) supplies uniformed private security personnel that patrol exclusively on private property; and 2) provides an up-to-date written record of its employees to DORL.

Under the bill, DORL may issue a private security agency license to an individual, partnership, limited liability company, or corporation that does both of the following: 1) satisfies any qualification requirements established by DORL by rule; and 2) executes and files a bond or liability policy with DORL in an amount established by DORL by rule. In addition, if the applicant is an individual, he or she must be over 18 years of age and may not have been convicted of a felony for which he or she has not been pardoned. A private security agency license is renewable every two years upon payment of a $20 renewal fee.

The bill prohibits a person from advertising, soliciting, or engaging in the business of a private security agency unless the person is issued a private security agency license under the bill. The bill allows DORL to revoke, suspend, or limit a private security agency license if the licensee: 1) is convicted of a misdemeanor or violates a state or local law punishable by a forfeiture (civil monetary penalty) if the circumstances of the conviction or violation are substantially related to acting as a private security agency; 2) is convicted of a felony and is not pardoned for that felony; 3) makes a false statement in connection with an application for the license; or 4) engages in conduct reflecting adversely on the person’s professional qualification.

Under current law, a person who has been granted a funeral director’s license by the funeral directors examining board (board) must apply to renew the license every two years. The application must include proof that the applicant has completed certain continuing education requirements and is doing business at a recognized funeral establishment. However, if a person is not doing business at a recognized funeral establishment, he or she may be granted a certificate in good standing as a funeral director by the board. A person who has been granted such a certificate may renew his or her license at any time during the subsequent two-year licensure period if he or she is able to submit proof that he or she is doing business at a recognized funeral establishment.

This bill eliminates certificates in good standing as a funeral director but provides for a 12-month transitional period during which the board is required to restore the funeral director licenses of certain persons who hold valid certificates in
good standing under current law. If a person holds a valid certificate that was
granted for a license that was granted or last renewed before July 1, 1995, the board
must restore his or her license if he or she demonstrates competence as a funeral
director by a method satisfactory to the board, including by passing a written or oral
examination or providing specified documentation to the board. If the board requires
an examination, it may not be more stringent than the examination that is required
for persons with licenses granted by other jurisdictions who apply for a reciprocal
license from the board. In addition, the person must submit proof that he or she has
completed at least 15 hours of continuing education during the past two years.

Under this bill, if a person holds a valid certificate that was granted for a license
that was granted or last renewed on or after July 1, 1995, the board must restore his
or her license if he or she submits proof that he or she has completed at least 15 hours
of continuing education during the past two years. The bill specifies that no fee may
be charged to a person who applies for restoration of a license under the bill or who
takes an examination that is required for restoration of a license under the bill.

Under current law, an applicant for a credential issued by DORL or a board in
DORL may be required to take an examination. If an examination is required, the
applicant must pay an examination fee to DORL. The fee must be an amount equal
to DORL's best estimate of the actual cost of preparing, administering, or grading the
examination or obtaining and administering an approved examination from a test
service.

Under this bill, if DORL prepares, administers, or grades the examination, the
fee must be equal to DORL's best estimate of the actual cost of preparing,
administering, or grading the examination. If DORL approves an examination
prepared, administered, and graded by a test service provider, the fee must be equal
to DORL's best estimate of the actual cost of approving the examination, including
selecting, evaluating, and reviewing the examination.

Under current law, DORL is required to mail a notice of credential renewal to
each holder of a credential issued by DORL or a board in DORL at least 30 days prior
to the renewal date for the credential. The notice must be mailed to the last address
provided to DORL by the credential holder. Under this bill, DORL may either mail
the notice of credential renewal as required under current law or give the notice to
the credential holder by electronic transmission.

RETIREMENT AND GROUP INSURANCE

This bill creates a qualified transportation fringe benefit plan for state
employees, administered by DETF. This plan is authorized under the federal
Internal Revenue Code (IRC) and permits employees to set aside pre-tax income to
pay eligible transportation expenses before taxes are computed. Three types of
eligible transportation expenses are covered: parking expenses incurred at or near
an employer’s premises; expenses incurred to pay for an employee’s use of mass
transportation; and expenses incurred by an employee in paying his or her share of the cost of using a van pool.

Under current law, the group insurance board may not enter into an agreement to modify or expand group insurance coverage in a manner that materially affects the level of insurance premiums required to be paid by the state or its employees or the level of benefits. This bill authorizes the group insurance board to enter into such an agreement if the modification or expansion would reduce the cost incurred by the state in providing group health insurance to state employees.

This bill authorizes the secretary of employee trust funds (secretary) to settle any dispute in an appeal of a determination made by DETF that is subject to review by the employee trust funds board, the group insurance board, the teachers retirement board, the Wisconsin retirement board, and the deferred compensation board. In deciding whether to resolve such a dispute, the secretary must consider the cost of litigation, the likelihood of success on the merits, the cost of delay in resolving the dispute, the actuarial impact on the public employee trust fund, and any other relevant factor the secretary considers appropriate.

In addition, the bill authorizes the secretary, if the secretary determines that an otherwise eligible participant has unintentionally forfeited or otherwise involuntarily ceased to be eligible for any benefit administered by DETF because of an error in administration by DETF, to order the correction of the error to prevent inequity.

STATE GOVERNMENT

JUSTICE

Currently, DOJ is required to provide legal services to DATCP for enforcement of the laws related to consumer protection. DOJ may commence an action to restrain by temporary or permanent injunction the violation of marketing and trade practices, including fraudulent representations, negative sales of telecommunication services, or unfair retailing of merchandise. This bill removes the authority of DOJ to enforce the laws relating to consumer protection and places that authority with DATCP or the district attorney. The bill permits DATCP to request DOJ to provide legal services to DATCP relating to consumer protection.

This bill increases from $8 to $12 the fee that DOJ charges a firearms dealer for each firearms restrictions record search requested by the dealer.

With certain exceptions, current law requires that a person pay a penalty assessment if ordered by a court to pay a fine or forfeiture for violating a state law or local ordinance. The penalty assessment amount is 23% of the amount of the fine or forfeiture (civil monetary penalty). Twenty-seven fifty-fifths of the revenue collected under the assessment is appropriated to DOJ to fund training of law enforcement, jail, and secure detention officers, and to fund the purchase of equipment for the state crime laboratories. The remaining twenty-eight fifty-fifths
of the revenue collected under the penalty assessment is appropriated to the office of justice assistance (OJA) to fund an assortment of criminal justice and law enforcement programs.

This bill decreases the penalty assessment to 13% of the amount of a fine or forfeiture. The revenue collected under the penalty assessment is appropriated to OJA to fund the programs that OJA currently funds with the twenty-eight fifty-fifths portion of the 23% penalty assessment.

The bill creates a law enforcement training fund assessment that is separate from the penalty assessment. The law enforcement training fund assessment is an 11% surcharge on fines and forfeitures ordered for a violation of most state laws or local ordinances. The bill appropriates the revenue collected under the law enforcement training fund assessment to DOJ to fund the law enforcement, jail, and secure detention officer training, and the purchase of equipment for the crime laboratories that is currently funded by the twenty-seven fifty-fifths portion of the penalty assessment revenue appropriated to DOJ.

Under current law, DOJ administers a grant program to fund cooperative county-tribal law enforcement programs in counties that have Indian reservations within their boundaries. OJA administers a similar grant program to fund county law enforcement programs that are not supported by the DOJ grant program in counties that border Indian reservations. Each program is funded from Indian gaming receipts.

This bill moves administration of the DOJ cooperative county-tribal law enforcement grant program to DOA and consolidates it with the OJA grant program for counties bordering Indian reservations. The consolidated grant program provides funding for law enforcement services to counties that have an Indian reservation within their boundaries or that border an Indian reservation.

**STATE EMPLOYMENT**

Under current law, appointments and promotions to positions in the state classified civil service must be made according to merit and fitness. When vacancies occur in such positions, the administrator of the division of merit recruitment and selection in DER must certify names that may be considered for appointment to the position. This bill authorizes the administrator, with the approval of the secretary of employment relations, to establish pilot programs for the recruitment of individuals to fill vacant positions in the classified service. Under the bill, the pilot programs, which may not be in effect for more than one year, are exempt from all recruitment and certification requirements under current law, except that appointments and promotions to positions must be made according to the applicant’s merit and fitness for the position.

Currently, any legislator who establishes a temporary residence in Madison for the period of any regular or special legislative session may receive an allowance for expenses incurred for food and lodging for each day that he or she is in Madison on legislative business. The amount of the allowance is recommended by the secretary
of employment relations and incorporated into the state compensation plan and must be approved by the joint committee on employment relations.

This bill provides that the allowance is 90% of the per diem rate for travel for federal government business within the city of Madison, as established by the federal general services administration. Under the bill, the amount is established before the start of the biennial legislative session and remains in effect the entire biennial session.

Under current law, appointing authorities in state agencies are prohibited from appointing nonresidents to limited term appointments and to project positions in the state civil service. This bill eliminates this prohibition.

**STATE FINANCE**

This bill limits the aggregate amount of general purpose revenue (GPR) that may be appropriated in any fiscal biennium. Under the bill, the limit is calculated by first establishing a base year amount that equals the amount of GPR appropriated in the second year of the prior fiscal biennium. For the new fiscal biennium, the base year amount is increased by the annual percentage change in state aggregate personal income for the calendar year that begins on the January 1 that precedes the first year of the fiscal biennium. This amount is increased by the annual percentage change in state aggregate personal income for the calendar year that begins on the January 1 that precedes the second year of the fiscal biennium. The sum of these two amounts is the aggregate amount of GPR that may be appropriated during the fiscal biennium. Under the bill, DOA is required to make the determination of the amount of GPR that may be appropriated for each fiscal biennium.

The bill excludes certain GPR appropriations from the limit. These are appropriations for debt service or operating notes; appropriations to honor a moral obligation pledge that the state has taken with respect to certain revenue bonds; appropriations to refund certain earnings to the federal government relating to state bond issues; an appropriation for legal expenses and the costs of judgments, orders, and settlements of actions and appeals incurred by the state; an appropriation to make a payment for tax relief; an appropriation to make a transfer from the general fund to the budget stabilization fund; an appropriation to make a transfer from the general fund to the tax relief fund; and any appropriation contained in a bill that is enacted with approval of at least two-thirds of the members of each house of the legislature.

This bill requires that certain transfers be made between the general fund, the budget stabilization fund, and the tax relief fund, which is created in the bill.

Under the bill, the secretary of administration (secretary) must annually calculate the difference between the amount of tax revenues projected to be deposited in the general fund (projected tax receipts) and the amount of tax revenues actually deposited in the general fund during the preceding fiscal year (actual tax receipts). If the projected tax receipts are less than the actual tax receipts, the secretary must
transfer from the general fund to the budget stabilization fund an amount equal to 50% of the difference between the projected tax receipts and the actual tax receipts.

This transfer, however, may not take place once the balance of the budget stabilization fund is at least equal to 5% of the estimated expenditures from the general fund during the fiscal year, as projected in the biennial budget act or acts. Also, the secretary must reduce the amount of the transfer if the transferred amount would cause the general fund balance to be less than the required general fund statutory balance. (The required statutory balance refers to a statement in current law that the estimated general fund balance in any fiscal year may not be an amount less than the following percentage of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as “Compensation Reserves”: for fiscal year 2002–03, 1.4%; for fiscal year 2003–04, 1.6%; for fiscal year 2004–05, 1.8%; and, for fiscal year 2005–06 and each fiscal year thereafter, 2%.)

The bill creates a tax relief fund that consists of the difference between the projected tax receipts and the actual tax receipts in each fiscal year and the amount transferred from the general fund to the budget stabilization fund in each fiscal year.

In addition, the bill creates an individual income tax relief fund tax credit, which may be claimed by an individual taxpayer or by a taxpayer and his or her spouse. A claimant may also claim a credit for each of his or her dependents, although a dependent may not claim a credit. The credit is nonrefundable, meaning that if the amount of the credit exceeds the taxpayer’s tax liability, no check is issued in the amount of the difference. The credit is available only in taxable years in which the amount in the tax relief fund exceeds $25,000,000. If the secretary certifies that the amount in the fund exceeds that amount, DOR determines the amount of the credit that may be claimed in that taxable year. The credit amount is determined by dividing the amount certified by the sum of all claimants, all spouses of claimants, and all dependents, and then modified so that the amount in the fund is expended as fully as possible.

On November 23, 1998, Wisconsin and other states agreed to a settlement of lawsuits brought against the major U.S. tobacco product manufacturers (the tobacco settlement agreement). Under the tobacco settlement agreement, the state is to receive annual payments from the U.S. tobacco product manufacturers in perpetuity. This bill authorizes the secretary of administration (secretary) to sell the state’s right to receive payments under the tobacco settlement agreement and provides that the proceeds from this sale are to be deposited in the permanent endowment fund, a trust fund created in the bill.

Under the bill, annually the secretary must transfer a certain amount of moneys in the permanent endowment fund to the general fund. For 2002 and 2003, the amount that must be transferred from the permanent endowment fund to the general fund is the amount that the state would have received as payments under the tobacco settlement agreement had the state’s right to receive the payments not been sold. The amount available for transfer in each subsequent year, as calculated by the investment board, must equal the sum of the following:
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1. An amount that equals 8.5% of the market value of the investments in the permanent endowment fund on June 1.

2. All proceeds of, and investment earnings on, investments of the permanent endowment fund made at the direction of the secretary that are received in the fiscal year.

3. All other amounts identified by the secretary as payments of residual interests to the state from the sale of the state’s right to receive moneys under tobacco settlement agreement that are received in the fiscal year.

The bill also requires that, in fiscal years 2001–02 and 2002–03, the first $12,006,400 and $21,169,200, respectively, in payments from the tobacco settlement agreement be deposited in the tobacco control fund and appropriated to the tobacco control board for distribution to specific smoking cessation and prevention programs and for grants for smoking cessation education, research, and enforcement programs. In the event that the state’s right to receive payments under the tobacco settlement agreement is sold before the required amounts are received in fiscal years 2001–03, the bill requires that a necessary amount be transferred from the general fund to the tobacco control fund to make up any shortfall.

The bill provides that the investment board may invest the assets of the permanent endowment fund in any investment that is an authorized investment for assets in the fixed retirement investment trust and the variable retirement trust. In addition, the bill requires the investment board to invest certain of the assets in the permanent endowment fund according to the terms and conditions specified by the secretary; the bill specifically provides that the investment board is not subject to its statutory standard of responsibility when it makes such an investment.

The bill also authorizes the secretary of administration to organize one or more nonstock corporations or limited liability companies for any purpose related to the sale of the state’s right to receive payments under the tobacco settlement agreement and appropriates moneys for the organization and initial capitalization of any such corporation or company.

The bill establishes the legal characteristics of any sale, assignment, or transfer of payments under the tobacco settlement agreement. In addition, the bill provides that, with certain exceptions, this state’s version of Article 9 of the Uniform Commercial Code governs the granting and enforcing of security interests in those payments. Article 9 generally governs similar transactions. Under the bill, if a person obtains, evidences, and provides notice of an interest in the tobacco settlement agreement payments under the procedure specified in the bill, that interest is enforceable against the debtor, any assignee or grantee, and all third parties, including creditors under any lien obtained by judicial proceedings. In addition, the interest is superior to all other liens against the tobacco settlement agreement payments that arise after the date on which the interest attaches to those payments.

Currently, DOA is required, subject to numerous exceptions, to make purchases by solicitation of bids or competitive sealed proposals preceded by public notice. DOA must prepare written justification of contractual service procurements and must comply with rules regarding conflicts of interest between contractors and DOA.
employees. DOA must also attempt to ensure that a specified portion of its procurement business is awarded to minority-owned businesses. This bill exempts contracts entered into by DOA to provide financial services in relation to this state’s interest in the tobacco settlement agreement payments from compliance with these requirements.

Currently, with certain exceptions, no person may commence a legal action against the state unless the person presents a claim to the claims board for a recommendation and the legislature denies the claim. This bill exempts claims presented in relation to this state’s interest in the tobacco settlement agreement payments from compliance with this requirement.

Under current law, the Wisconsin Health and Educational Facilities Authority (WHEFA) may issue bonds to finance certain projects of health or educational facilities, such as the construction or remodeling of a health or educational facility or related structure, and to refinance outstanding debt of health or educational facilities. Under this bill, WHEFA is authorized to purchase the state’s right to receive payments under the tobacco settlement agreement, to make a loan that is secured by the state’s right to receive those payments, and to issue bonds to finance the purchase or to make the loan. Any bonds issued to finance the purchase or to make the loan must be payable from, or secured by interests in, the payments under the tobacco settlement agreement. In addition, WHEFA is authorized to organize one or more nonstock corporations or limited liability companies for any purpose related to the purchase or sale of the state’s right to receive payments under the tobacco settlement agreement.

This bill affirms the state’s participation in the tobacco settlement agreement and states that the payments received under that agreement are the property of the state, to be used as the state decides by law. The bill also provides that no political subdivision of the state, or officer or agent of a political subdivision, may maintain a claim related to the tobacco settlement agreement or any claim against any party that was released from liability by the state under the tobacco settlement agreement.

This bill requires the secretary to prepare a statement of estimated general purpose revenue receipts and expenditures in the biennium following the succeeding biennium based on recommendations in the executive biennial budget bill or bills. This statement is to accompany the biennial budget report that is submitted by the secretary on the day that the governor delivers the budget message to the legislature.

The bill also requires that the legislative fiscal bureau prepare the same statement but based on the recommendations in the executive biennial budget bill or bills, as modified by an amendment offered by JCF, as engrossed by the first house, as concurred in and amended by the second house or as nonconcurred in by the second house, or as reported by any committee on conference.

The bill requires the secretary to prepare, as part of the biennial budget report, a comparison of the state’s budgetary surplus or deficit according to generally accepted accounting principles, as reported in the most recent audited financial
report prepared by DOA, and the estimated change in the surplus or deficit based on recommendations in the biennial budget bill or bills.

Current statutes state that “[n]o bill directly or indirectly affecting general purpose revenues ... may be enacted by the legislature if the bill would cause the estimated general fund balance on June 30 of any fiscal year ... to be an amount equal to less than the following percentage of the total general purpose revenue appropriations for that fiscal year plus any amount from general purpose revenue designated as “Compensation Reserves” for that fiscal year ....” For fiscal year 2002-03, the amount is 1.4%. This bill reduces this amount to 1.2%.

**Public utility regulation**

Under current law, the PSC is required to establish standards for water or sewer service that is provided to occupants of a mobile home park by the park operator or a contractor. The PSC’s rules must include requirements for metering, billing, depositing, arranging deferred payment, installing service, refusing or discontinuing service, and resolving disputes about service. The rules must also ensure that charges are reasonable and not unjustly discriminatory, that service is reasonably adequate, and that any related practice is just and reasonable. This bill transfers authority to regulate water and sewer service provided to occupants of manufactured home parks from the PSC to the department of commerce.

This bill creates immunity from liability for public utilities for stray voltage. Under the bill, a public utility is immune from liability for any damage caused by or resulting from stray voltage contributed by the public utility if the stray voltage is below the level of concern established by the PSC. In addition, the stray voltage must be determined using the PSC’s principles and guidelines regarding stray voltage screening and diagnostic procedures. Upon the request of any party to an action for damages for stray voltage, the PSC must evaluate and testify as to whether its applicable order was followed in calculating the amount of stray voltage. The bill provides that damages from stray voltage are not subject to the current provision that allows treble damages for injuries resulting from the willful, wanton, or reckless acts or omissions of the public utility’s directors, officers, employees, or agents.

This bill authorizes the PSC to conduct an energy assessment of any proposed state agency rule that may affect state energy policies and, if the rule has a significant impact on the state’s energy policies, to prepare an energy impact statement. The bill requires the state agency that is proposing the rule to consider the PSC energy impact statement before final adoption of the rule and to include the energy impact statement and the agency’s response in the notice when the agency submits its proposed rule in final form to the legislature.

Under current law, telecommunications utilities and providers are subject to certain requirements regarding the protection of consumers, including other telecommunications utilities and providers that use their services. The PSC, on its
own motion or upon a complaint filed by a consumer, may take administrative action or commence civil actions against telecommunications utilities and providers to enforce these requirements. This bill provides that the PSC has jurisdiction in its own name or on behalf of consumers to take such actions. The bill also clarifies that the PSC's authority to take administrative action includes initiating a contested case.

Under current law, the PSC may bring an action in court for injunctive relief for compelling compliance with the requirements, for compelling refunds of any moneys collected in violation of the requirements, or for any other relief under the public utility statutes. This bill also allows the PSC to take administrative action, in addition to bringing an action in court, for compelling compliance with the requirements or for compelling refunds. The bill also allows the PSC to take administrative action or bring an action in court for any other appropriate relief, instead of just any other relief under the public utility statutes. Also, the bill allows the PSC to directly impose forfeitures for violations of the requirements.

Under current law, the PSC may request the attorney general to bring an action in court to require a telecommunications utility or provider to compensate any person for any pecuniary loss caused by failure to comply with the requirements. Under this bill, in addition to requesting the attorney general to bring such an action, the PSC may take administrative action, including initiating a contested case, or bring its own action in court to require such compensation.

Under current law, the PSC may investigate whether rates, tolls, charges, schedules, or joint rates are unjust, unreasonable, insufficient, unjustly discriminatory or preferential, or unlawful and order that reasonable rates, tolls, charges, schedules, or joint rates be imposed, observed, or followed in the future. With respect to telecommunications providers, this bill also allows the PSC to order reasonable compensation for persons injured by reason of rates, tolls, charges, schedules, or joint rates of telecommunications providers that are investigated.

Under current law, public utilities and certain other entities, such as telecommunications providers, that violate laws enforced by the PSC, PSC orders, and certain other requirements are subject to a forfeiture of between $25 and $5,000, for each day of violation, which is imposed by a court. Under this bill, the PSC may also impose such a forfeiture against a telecommunications provider by administrative action.

Under current law, the PSC is required to inquire into neglect or violation of laws by public utilities and telecommunications carriers, enforce such laws, and report all violations to the attorney general. This bill also allows the PSC to take administrative action and institute and prosecute all necessary actions and proceedings for enforcing all laws relating to telecommunications providers or telecommunications carriers, and for the punishment of all violations.

This bill requires DOA to award grants to operators of dairy, beef, or swine farms for eliminating stray voltage concerns and sources or replacing electrical wiring. The bill creates a farm rewiring fund, consisting of contributions that certain gas and electric utilities make to the PSC, from which the grants are made. A farm
operator is not eligible for grants unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm.

Under current law, the PSC is allowed to assess against a public utility the expenses incurred by the PSC in taking regulatory action with respect to the public utility. The PSC is allowed to make similar assessments against other entities under its jurisdiction, including a person seeking approval to construct a wholesale merchant plant. A wholesale merchant plant is electric generating equipment that does not serve retail customers and that is owned and operated by either: 1) a person that is not a public utility; or 2) subject to approval of the PSC, an affiliate of a public utility.

Current law imposes a limit on the amount that the PSC may assess against a public utility or other entity under the PSC’s jurisdiction. The total amount that the PSC may assess in a calendar year may not exceed four-fifths of one percent of the public utility’s or entity’s gross operating revenues derived from intrastate operations in the last preceding calendar year.

Under this bill, the limit on assessments does not apply to assessments for the expenses incurred by the PSC in taking regulatory action with respect to approving construction of wholesale merchant plants.

**OTHER STATE GOVERNMENT**

**Creation of department of electronic government**

This bill creates a department of electronic government (DEG). The bill transfers most existing functions of DOA relating to information technology and telecommunications to DEG and creates a number of new functions for DEG. The bill grants DEG broad powers to manage the state’s information technology and telecommunications systems. Under the bill, the secretary of information services, who serves as department head, is titled the “chief information officer.” The officer’s position is assigned to executive salary group 8 ($82,979 to $128,618 per year in 2000-01). The officer is appointed by the governor to serve at his or her pleasure. The officer appoints the staff of DEG, which includes a deputy, executive assistant, and three division administrators outside the classified service.

The bill also creates an information technology management board which is attached to DEG. The board consists of the governor, chief information officer, secretary of administration, and two heads of state executive branch agencies and two other members appointed by the governor without senate confirmation. The board advises DEG, monitors progress in attaining the state’s information technology goals, and hears and decides appeals of actions of the officer by executive branch agencies.

The bill directs DEG, with the assistance of executive branch agencies and the advice of the board, to manage the information technology portfolio of state government to meet specified criteria. The portfolio includes information technology systems, applications, infrastructure and information resources, and human resources devoted to developing and maintaining information technology systems.
Currently, each executive branch agency is required to prepare, revise, and submit annually to DOA, for its approval, an information technology strategic plan that details how the agency plans to use information technology to serve its needs and those of its clients. This bill makes proposed strategic plans of executive branch agencies subject to approval of the chief information officer, with the advice of the board.

The bill permits DEG to acquire, operate, or maintain any information technology equipment or systems required by DEG to carry out its functions and to provide information technology development and management services related to those systems. Under the bill, DEG may assess executive branch agencies for the costs of equipment or systems acquired, operated, maintained, or provided or services provided and may also charge legislative and judicial agencies for these costs as a component of any services provided by DEG to these agencies. The bill also permits DEG to assume direct responsibility for the planning and development of any information technology system in the executive branch of state government that the chief information officer determines to be necessary to effectively develop or manage the system, with or without the consent of any affected agency. The bill permits DEG to charge any executive branch agency for its reasonable costs incurred on behalf of the agency in carrying out this function.

Currently, DOA must provide computer services to state agencies in the executive, legislative, and judicial branches. DOA may also provide telecommunications services to those agencies and computer or telecommunications services to local governments and private schools, postsecondary institutions, museums, and zoos. DOA may also provide supercomputer services to state agencies, local governments, and entities in the private sector. Under this bill, DEG may enter into an agreement to provide any services that DEG is authorized to provide to any state agency or authority, any unit of the federal government, any local governmental unit, or any entity in the private sector. DEG may also develop and operate or maintain any system or device facilitating Internet or telephone access to information about programs of state agencies or authorities, local governmental units, or entities in the private sector by means of electronic communication and may assess or charge agencies, authorities, units, and entities in the private sector for its costs of development, operation, or maintenance on the same basis that DEG assesses or charges for information technology equipment or systems.

The bill appropriates to DEG all revenues received from assessments or charges, without limitation, for the purpose of carrying out its functions. The bill also appropriates general purpose revenue to DEG equivalent to the depreciated value of its equipment.

Currently, the number of full-time equivalent (FTE) positions for each state agency within each revenue source is fixed by law or by the governor, JCF, or the legislature in budget determinations. Program-revenue funded positions may be adjusted by the governor with the concurrence of JCF and federally funded positions may be adjusted by the governor alone. This bill permits the chief information officer to transfer any number of FTE positions having responsibilities related to information technology or telecommunications from any executive branch agency to
DEG or any other executive branch agency and to transfer the funding source for any position from one source to another for the purpose of carrying out the functions of DEG. Upon transfer of any position, the incumbent in that position is also transferred without loss of pay, fringe benefits, or seniority privileges. The bill also permits the officer to transfer moneys from the appropriation account for any appropriation made to an executive branch agency, except a sum sufficient appropriation, without the consent of the agency, for the purpose of facilitating more efficient and effective funding of information technology or electronic communications resources within the executive branch of state government. Under the bill, any transfer of positions or funding may not be made if it would be inconsistent with state or federal law or any requirement imposed by the federal government as a condition to receipt of aids by this state.

Currently, every executive branch agency, other than the board of regents of the UW system, is required to purchase computer services from DOA, unless DOA grants permission to the agency to procure the services from a private source or from another agency, or to provide the services to itself. This bill provides that every executive branch agency, including the board of regents of the UW system, must purchase all materials, equipment, supplies, and services relating to information technology or telecommunications from DEG, unless DEG requires the agency to purchase the materials, supplies, equipment, or contractual services under a master contract established by DEG or unless DEG grants permission to the agency to procure the materials, supplies, equipment, or services from a private source or from another agency, or to provide the materials, supplies, equipment, or services to itself. The bill also makes all contracts by any executive branch agency for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications subject to review and approval of the chief information officer.

Currently, subject to numerous exceptions, state agencies are generally required to make purchases through solicitation of bids or competitive sealed proposals preceded by public notice, and to allow DOC the opportunity to provide the materials, supplies, equipment, or services under certain conditions if DOC is able to do so. These requirements do not apply to purchases by the division of information technology services of DOA relating to the functions of the division. This bill provides that these requirements do not apply to purchases of any materials, supplies, equipment, or services by DEG. The bill requires DEG to submit an annual report to DOA concerning any purchases by DEG that are not made in accordance with these requirements. The bill also permits DEG to establish master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications for use by state agencies and authorities, local governmental units, and entities in the private sector and to require any executive branch agency to make purchases of materials, supplies, equipment, or contractual services included under the master contract pursuant to that contract.

Currently, executive branch agencies must make purchases through DOA unless DOA delegates direct purchasing authority to the agencies. DOA prescribes
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standard specifications for state purchases which agencies are generally required to incorporate into purchasing orders and contracts when appropriate. Under this bill, DOA must delegate authority to DEG to make all of its purchases independently of DOA, and any standard specifications prescribed by DOA for the purchase of materials, supplies, equipment, or services for information technology or telecommunications purposes are subject to approval of the chief information officer.

Elections administration

Under current law, voter registration is required in every municipality with a population greater than 5,000. The information required on voter registration forms is specified by law. This bill requires voter registration in every municipality. The bill also establishes a centralized, statewide voter registration list that is maintained by the state elections board. Under the bill, the list must be electronically accessible by any person, but no person other than an authorized election official may change the list. The bill permits the board to change the list only for the purpose of deleting the registration of individuals who register to vote outside this state or whose registrations are required to be cancelled as the result of a municipal canvass. Under the bill, each municipal clerk or board of election commissioners must electronically enter registrations or changes of registration on the list, except that the bill permits the town clerk of any town having a population of not more than 5,000 to designate the county clerk of the county where the town is located as the town clerk's agent for entry of this data. The bill also directs the board to provide grants to counties and municipalities to finance the cost of maintenance of the list.

Currently, with certain exceptions, the deadline for voter registration is 5 p.m. on the second Wednesday before an election. However, electors may also register in person at the office of the municipal clerk or board of election commissioners up to 5 p.m. on the day before the election or, in most cases, may register at the proper polling place on election day. Currently, an individual who registers after the deadline must provide a specified form of proof of residence. If the individual is unable to do so, another qualified elector of the same municipality may corroborate the information contained in the individual's registration form. The corroborating elector then must provide this proof of residence. Currently, there is no limit on the number of times a person may act as a corroborating elector.

This bill requires any elector who registers to vote after the deadline, if possible, to present a valid Wisconsin driver's license or valid Wisconsin identification card containing the elector's photograph and current street address. The bill permits any other elector to present an identification card that contains the elector's photograph and current street address or any other identification card that contains the elector's name and photograph and an identifying number. An elector who is unable to present any identification may have his or her identity and registration information corroborated by another elector as currently provided. However, under the bill, a corroborating elector may not corroborate more than two registrations in one day. The bill also permits the board, by rule, to specify additional information that must be provided on registration forms. In addition, the bill provides that any election
official who fails to exercise due care to lawfully register an elector to vote is subject to a forfeiture (civil penalty) of not more than $1,000.

With certain limited exceptions, before being permitted to vote at any polling place, an elector currently must provide his or her name and address. If registration is required to vote and the elector is not registered, the elector must provide a specified form of proof of residence to register. If registration is not required, the elector may be required to provide this proof. With certain limited exceptions, this bill requires each elector attempting to vote at any polling place in a municipality to follow the same identification or corroboration procedure that is required under the bill for late voter registration. The bill requires election officials to verify that the name and address on any identification are the same as the elector’s name and address on the list of registered electors. Under the bill, election officials must also verify that the photograph contained in any identification reasonably resembles the elector. The identification procedure does not affect absentee voting or voting by military electors.

Currently, following each general election, a municipality where registration is required must complete a canvass to identify each registered elector who has failed to vote within the previous four years, attempt to notify each such elector, and revise and correct its list of registered electors accordingly. This bill provides that if a municipality fails to complete the canvass within 120 days of the general election, the board may conduct the canvass at the expense of the municipality.

Currently, each municipality appoints and supervises election inspectors (poll workers). Under this bill, if the board finds that an inspector has repeatedly and materially failed to substantially comply with the election laws or rules of the board, the board may remove the inspector and appoint a replacement to serve the remainder of the inspector’s unexpired term. The replacement must be compensated by the municipality and is subject to the supervision of the municipal clerk or board of election commissioners. However, unlike most other inspectors, the replacement may be appointed without regard to party affiliation. The bill also permits the board to appoint a special master to assume all functions of the municipal clerk or board of election commissioners if the board finds that a municipality has repeatedly and materially failed to substantially comply with the election laws or rules of the board in administering elections. The bill requires the municipality to pay all costs incurred relating to the special master.

Under current law, the board may promulgate rules to interpret or implement the laws relating to the conduct and administration of elections and election campaigns. This bill expands the board’s rule-making authority, permitting the board to promulgate rules to promote the efficient and fair conduct of elections. This bill also directs the board to conduct training programs so that individuals exercising the right of access to polling places may inform themselves of the election laws, the procedures for conducting elections, and the rights of individuals who observe election proceedings.
ASSEMBLY BILL 144

Land information and land use

Currently, the land information board is attached to DOA. The board serves as a state clearing house for access to land information and provides technical assistance to state agencies and local governmental units with land information responsibilities, reviews and approves county plans for land records modernization, and provides aids to counties, derived from recording fee revenues collected by counties, for land records modernization projects. Under current law, the board and its functions are abolished effective on September 1, 2003. This bill abolishes the land information board on the day the bill becomes law and permanently transfers its functions, together with its assets and liabilities, to DOA.

Under the Land Information Program, a number of state agencies, including DOA, DATCP, DHFS, DNR, and DOR, are required to submit biennially to the land information board a plan to integrate land information so that the information is readily translatable, retrievable, and geographically referenced for use by any state, local governmental unit, or public utility. This bill eliminates the requirement that DOR submit such a plan, beginning with the plan that is due in 2002.

Currently, counties collect a land record fee for recording and filing most instruments that are recorded or filed with the register of deeds. The fee is $10 for the first page of an instrument and $2 for each additional page. Until September 1, 2003, counties must remit $2 of each $10 collected for recording or filing the first page of each instrument to the land information board, which the board uses to fund its general program operations and to make grants to counties for land records modernization projects. Currently, if a county does not have a land information office or does not use $4 of the fee for recording or filing the first page of an instrument for land records modernization, the county must remit $6 of the fee for recording or filing the first page of an instrument to the land information board. On September 1, 2003, the fee for recording or filing the first page of an instrument is reduced from $10 to $8 and no portion is remitted to the state.

This bill permanently increases the fee for recording or filing the first page of an instrument with a register of deeds from $10 to $11, and requires a county to remit either $2 or $7 of this fee to DOA, depending on whether the county has a land information office and uses the fee for land records modernization.

Currently, DOA may provide grants to local governments to be used to finance a portion of the cost of certain comprehensive planning activities from general purpose revenue. This bill provides, in addition, for a portion of the land record fee received by DOA to be used for that purpose.

Under current law, the Wisconsin land council in DOA must perform duties including identifying and recommending to the governor land use goals and priorities, identifying and studying areas of conflict in the state’s land use statutes and between state and local land use laws and recommending to the governor legislation to resolve the conflicts, and studying the development of a computer-based land information system.

This bill discontinues the council’s function of studying the development of a computer-based land information system, and adds several new functions to the council’s duties, including establishing a land information working group and
reviewing county land records modernization plans. The bill also adds three members to the 16-member council and eliminates the council's sunset date of September 1, 2003.

Under current law, DOA awards transportation planning grants to local governmental units (cities, villages, towns, counties, and regional planning commissions) to pay for planning activities related to the transportation element of a comprehensive land use and development plan. Under this bill, DOA may also award transportation planning grants to assist local governmental units in the integrated transportation and land-use planning for highway corridors (areas expected to need additional capacity for vehicular traffic or to have possible safety or operational problems resulting from pressure for development). The bill requires DOA to award transportation planning grants in the following order of priority: 1) grants that pay for planning activities related to a transportation element and which also assist in highway corridor planning; 2) grants that only pay for planning activities related to a transportation element; and 3) grants that only assist in highway corridor planning. The bill also expands the definition of “local governmental unit” to include a metropolitan planning organization (an organization that develops transportation plans and programs).

**State procurement services**

Currently, DOA provides procurement services to state agencies and some local governments. These procurement functions are financed with general purpose revenue. This bill permits DOA to assess any state agency or local government to which it provides procurement services for the cost of the services provided to the agency or local government. The bill also permits DOA to identify savings that DOA determines were realized by any state agency to which it provides procurement services, and to assess the agency for not more than the amount of the savings so identified. The bill does not define “savings” and does not specify any methodology for determination of these assessments. The bill appropriates to DOA all moneys collected from these assessments to be used to finance procurement services. The change potentially decreases the moneys available to agencies and local governments for other purposes. The bill also appropriates moneys from the revenue sources that finance the programs of state agencies to supplement the unbudgeted costs of procurement service charges, except charges for identified procurement savings.

Currently, subject to numerous exceptions, DOA, or any state agency in the executive branch to which DOA delegates purchasing authority, must make purchases by bid or competitive sealed proposal that must be preceded by at least two notices published in the official state newspaper, the latest of which must be inserted at least seven days prior to opening of the bids or competitive sealed proposals. This bill permits DOA or any state agency to which DOA delegates purchasing authority to make purchases by soliciting sealed bids to be opened at a specified date and time or by solicitation of bids at an auction to be conducted electronically at a specified date and time, or by competitive sealed proposal. If bids are to be solicited at an
electronic auction, the bill requires notice of the auction to be posted on an Internet site determined or authorized by DOA at least seven days prior to the date of the auction. The bill also permits notice of any proposed purchase by DOA or an agency to which DOA delegates purchasing authority to be posted electronically on an Internet site determined or authorized by DOA at least seven days prior to the date that bids or competitive sealed proposals are to be opened or bids are to be received by auction in lieu of the publication required under current law.

Currently, DOA maintains a subscription service that provides current information of interest to prospective vendors concerning state procurement opportunities. This bill permits DOA to permit prospective vendors to provide product or service information through this service and also permits DOA to prescribe fees or establish fees through a competitive process for the use of the service. Any revenue collected from the fees is deposited in the state VendorNet fund, which is used to pay the costs of the subscription service.

**Municipal boundary review**

Currently, DOA is required to review proposed municipal incorporations and certain municipal annexations in counties having a population of 50,000 or more, and to make findings with respect to certain matters specified by law. Currently, the cost of conducting this review is financed with general purpose revenue.

This bill permits DOA to prescribe and collect a fee for conducting this review. The fee must be paid by the person or persons filing a petition for incorporation or by the person or persons filing a notice of proposed annexation. The bill appropriates to DOA all moneys collected from these fees to finance reviews of proposed municipal incorporations and annexations.

**Federal-state relations**

Current law directs DOA to operate a federal aid management service. The service is directed to process applications by state agencies for grants from the federal government upon request of the agencies. DOA may assess any state agency to which DOA provides services a fee for its expenses incurred in providing those services.

This bill directs DOA to initiate contacts with the federal government for the purpose of facilitating participation by state agencies in federal aid programs, to assist those agencies in applying for such aid, and to facilitate influencing the federal government to make policy changes that will be beneficial to this state. The bill also permits DOA to assess agencies to which DOA provides those services a fee for its expenses incurred in providing those services.

**Dual state employment or retention**

Current law prohibits any elective state official from holding any other position or being retained in any other capacity with a state agency or authority, except an unsalaried position or unpaid service with a state agency or authority that is compatible with the official’s duties, the emoluments of which are limited to reimbursement for actual and necessary expenses incurred in the performance of
those duties. Current law also prohibits any other individual who is employed in a full-time position or capacity with a state agency or authority from holding another position or being retained in another capacity with a state agency or authority from which the individual receives, directly or indirectly, more than $12,000 from the agency or authority as compensation for the individual’s services during the same year. These prohibitions do not apply to an individual other than an elective state official who has a full-time appointment for less than 12 months during any period of time that is not included in the appointment. This bill repeals both of these prohibitions.

**Energy efficiency fund elimination**

Currently, state agencies may apply for loans from the energy efficiency fund to finance energy efficiency projects. The loans are repaid from utility expense appropriations made to the agencies in an annual amount equal to the utility expense savings realized by the agencies as a result of the energy efficiency projects. In addition, for six years after each loan is repaid, DOA may transfer an amount equal to one-third of the savings realized to the general fund, and an amount equal to one-third of the savings realized to the energy efficiency fund for maintenance of projects with an energy efficiency benefit and for energy efficiency monitoring. An amount equal to the final one-third of the savings realized may be utilized by an agency for its general program operations, subject to approval of JCF.

This bill abolishes the energy efficiency fund. Under the bill, DOA may transfer an amount equal to all repayments of loans made from the fund for energy efficiency projects from the appropriate utility expense appropriations to the general fund. Any unencumbered balance in the energy efficiency fund on the day the bill becomes law is also transferred to the general fund.

**State-local partnership**

This bill directs that DOA, to the extent possible, coordinate state policies governing the relationship between the state and local governments in this state and attempt to make those policies as uniform as practicable. The bill also permits DOA to attempt to mediate disputes between local governments and state agencies to the extent feasible. To carry out these functions, the bill directs DOA to appoint a state-local government coordinator outside the classified service.

**TAXATION**

**Income taxation**

Under current law, when computing corporate income taxes and franchise taxes, a formula is used to attribute a portion of a corporation’s income to this state. The formula has three factors: a sales factor, a property factor, and a payroll factor. The sales factor represents 50% of the formula and the property and payroll factors each represent 25% of the formula. When computing income taxes and franchise taxes for an insurance company, a formula with a premium factor and a payroll factor is used to attribute a portion of an insurance company’s income to this state.
Under this bill, beginning on January 1, 2005, the sales factor will be the only factor used to attribute a portion of a corporation’s income to this state. The property and payroll factors will be decreased, and eventually phased out, over the next four years as the sales factor is increased and becomes the only factor. Beginning on January 1, 2005, the premium factor will be the only factor used to attribute a portion of an insurance company’s income to this state. The payroll factor will be decreased, and eventually phased out, over the next four years as the premium factor is increased and becomes the only factor.

Under current law, the income of an electric or gas utility is apportioned by rules established by DOR. Under the bill, for taxable years beginning after December 31, 2002, and before January 1, 2005, the income of an electric or gas utility is apportioned in the same manner as the income of a corporation under the bill. Beginning on January 1, 2005, the sales factor will be the only factor used to attribute a portion of the income of an electric or gas utility to this state.

Under current law, the income of a financial organization is apportioned, for corporate income tax and franchise tax purposes, by rules established by DOR. Under the bill, for taxable years beginning after December 31, 2002, and before January 1, 2005, the income of a financial organization is apportioned by multiplying that income by a fraction that includes a sales factor representing more than 50% of the fraction, as determined by rule by DOR. For taxable years beginning after December 31, 2004, the income of a financial organization is apportioned by using a sales factor, as determined by DOR.

Under current law, an inter vivos trust (a trust that is created during the life of the grantor) that is made irrevocable before October 29, 1999, is considered resident at the place where the trust is being administered. This state taxes a trust that is resident within this state. Also under current law, in general, an inter vivos trust is taxable by this state if the grantor was a resident of this state.

Under this bill, an inter vivos trust that is made irrevocable before October 29, 1999, is considered resident, and is thus taxable by this state, only if the trust was administered in this state before October 29, 1999, or, if administered in this state on or after October 29, 1999, if the grantor is a resident of this state. This change first applies to taxable years beginning on January 1, 1999.

Under current law, the individual income tax brackets are indexed for inflation. Generally, for taxable years beginning after December 31, 1999, the brackets are increased each year based on the annual percentage change between the consumer price index (CPI) for August of the previous year and August 1997. An exception to the general rule is that for taxable years beginning after December 31, 2000, the top bracket is increased each year by the same percentage as the percentage change between the CPI for August of the previous year and August 1999. This bill limits the applicability of the exception to the general rule that governs indexing of the individual income tax brackets to taxable year 2001.
ASSEMBLY BILL 144

Under current law, resident shareholders of subchapter S corporations and members of limited liability corporations (LLCs) treated as partnerships may claim a tax credit for taxes that those S corporations and LLCs pay to another state. This bill expands the application of this tax credit so that it may be claimed by otherwise qualified resident partners of a partnership that pays taxes to another state.

PROPERTY TAXATION

This bill creates a property tax exemption for a hub facility operated by an air carrier. A “hub facility” is a facility at an airport from which an air carrier company operated at least 45 common carrier departing flights each weekday in the prior year and from which it transported passengers to at least 15 nonstop destinations; or an airport or any combination of airports in this state from which an air carrier company cumulatively operated at least 20 common carrier departing flights each weekday in the prior year, if the air carrier company’s headquarters are in this state.

Under current law, regional planning commissions (RPCs) may be created by the governor, or by a state agency or official that the governor designates, upon the submission of a petition in the form of a resolution by the governing body of a city, village, town, or county (local governmental units). An RPC may conduct research studies; collect and analyze data; prepare maps; make plans for the physical, social, and economic development of the region; provide advisory services to local governmental units and other public and private agencies on regional planning problems; and coordinate local programs that relate to the RPC’s objectives. This bill authorizes RPCs to acquire and hold real property for public use. The bill also authorizes RPCs to convey and dispose of such property.

Under current law, property owned by municipalities or by certain districts, such as school districts, technical college districts, and metropolitan sewerage districts, is exempt from the property tax. Under this bill, property owned by an RPC is also exempt from the property tax.

Under current law, in lieu of paying local property taxes, a light, heat, and power company pays a license fee to the state based on a percentage of the company’s gross revenue that is attributable to this state. However, if a light, heat, and power company structure is used in part for the company’s business operation and in part for purposes that are not related to the company’s business operation, the part of the structure that is used for purposes that are not related to the company’s business operation is subject to local property taxes.

Under this bill, property, excluding land, that is owned or leased by a public utilities holding company that provides services to a light, heat, and power company affiliated with the holding company is assessed for local property taxes on the portion of the fair market value of the property that is not used for providing services to the light, heat, and power company.

Under current law, DOR assesses manufacturing property, and determines what property is classified as manufacturing property, for property tax purposes. If
a reviewing authority for property tax assessments reduces a manufacturing property’s assessed value or determines that manufacturing property is exempt from property tax, the property owner may file a claim for a property tax refund with the municipality in which the property is located. The municipality pays the refund in one sum that includes interest on the refund amount, paid at the rate of 0.8% a month.

Under current law, a property owner may file an objection to a property tax assessment of the owner’s manufacturing property with the state board of assessors within 60 days of receiving notice from DOR of the property’s assessment.

Under this bill, a municipality may pay a property tax refund to an owner of manufacturing property in five annual installments rather than all at once, if the refund is more than $10,000, the refund amount represents at least 0.0025% of the municipality’s tax levy, and the municipality’s tax levy is less than $100,000,000. The interest on the refund amount is paid either at a rate of 10% a year or at a rate determined by the last auction of six-month U.S. treasury bills, whichever is less. In addition, the state compensates the municipality for the interest on any such refund that is paid by the municipality.

Under the bill, a property owner who files an objection to a property tax assessment of the owner’s manufacturing property must include in the objection the reasons for the objection, an estimate of the correct assessment, and the basis for that estimate. In addition, the property owner may file supplemental information to support the objection within 60 days from the date that the objection is filed.

Under current law, an owner of manufacturing property must submit annually by March 1 a report to DOR that contains certain information about the property that DOR considers necessary for property tax assessment purposes. An owner of manufacturing property who fails to submit the report by the date that it is due must pay a penalty equal to the greater of $10 or 0.05% of the property’s assessment for the previous year, but not more than $1,000. If the property owner does not submit the report within 30 days from the date that it is due, the property owner must pay a second penalty that is equal to the first.

Under this bill, an owner of manufacturing property who fails to submit the report by the date that it is due is subject to the following penalties: if the report is one to ten days late, $25; if the report is 11 to 30 days late, the greater of $50 or 0.05% of the previous year’s assessment, but not more than $250; and if the report is more than 30 days late, the greater of $100 or 0.1% of the previous year’s assessment, but not more than $750.

**OTHER TAXATION**

Under current law, in lieu of paying local property taxes, a private light, heat, and power company and an electric cooperative pay a license fee to the state based on a percentage of the company’s or cooperative’s gross revenues that are attributable to this state. A private light, heat, and power company pays a license fee based, in part, on multiplying its gross revenues from the sale of gas services by 0.97% and multiplying its other gross revenues by 3.19%. An electric cooperative pays a license fee based, in part, on multiplying its gross revenues by 3.19%.
ASSEMBLY BILL 144

Under this bill, a private light, heat, and power company and an electric cooperative pay a license fee to the state based, in part, on multiplying the company’s or cooperative’s gross revenues from the sale of wholesale electricity by 1.59%. The license fee applies to gross revenues from the sale of wholesale electricity that are earned during tax periods beginning on January 1, 2003, and ending on December 31, 2008. A private light, heat, and power company will continue to pay a license fee under current law based on multiplying its gross revenues from the sale of gas services by 0.97% and multiplying its other gross revenues, except revenues from the sale of wholesale electricity, by 3.19%. An electric cooperative will continue to pay a license fee under current law based on multiplying its gross revenues, except revenues from the sale of wholesale electricity, by 3.19%.

Under current law, a farm that is not a corporation, except a farm that has no more than $1,000,000 in gross receipts, pays a recycling surcharge of $25. Under this bill, a farm that is not a corporation, except a farm that has less than $4,000,000 in gross receipts, pays a recycling surcharge in an amount that is equal to 2% of its net income, up to a maximum of $9,800, or $25, whichever is greater.

Under current law, tax stamps must be affixed to each cigarette package that is sold in this state. This bill prohibits affixing tax stamps to cigarette packages that are not intended to be sold, distributed, or used in the United States; that are not labeled as provided under federal law; that are modified by a person who is not the cigarette manufacturer; that are altered so as to remove, conceal, or obscure certain labels; and that are imported into the United States after December 31, 1999, in violation of federal law. Under the bill, a person who possesses over 400 of such cigarettes, or who sells or distributes such cigarettes, is subject to the same penalties that are applicable to the possession of cigarettes without tax stamps.

Under current law, DOR may offset tax refunds against debts owed by a taxpayer to another state agency or to a municipality or county. Current law also authorizes DOR to enter into agreements with the Internal Revenue Service to offset state tax refunds against federal tax obligations and federal tax refunds against state tax obligations. This bill authorizes DOR to enter into agreements with other states to offset tax refunds against another state’s tax obligations if the other state agrees to implement an offset program for Wisconsin residents’ tax refunds from that other state against tax obligations of this state.

TRANSPORTATION

HIGHWAYS

Under current law, the building commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed $1,447,085,500. A major highway project is a project having a total cost of more than $5,000,000 and involving construction of a new highway 2.5 miles or more in length; reconstruction or reconditioning of an existing highway that relocates at least 2.5 miles of the highway or adds one or more lanes at least five miles
in length to the highway; or improvement of an existing multilane divided highway to freeway standards.

This bill increases the revenue bond limit from $1,447,085,500 to $1,743,570,900. The bill also provides that revenue bond proceeds may not exceed 53% of the total funds expended in any fiscal year for major highway projects, beginning with fiscal year 2002-03. Additionally, the bill provides that revenue bond proceeds may be expended for reconstruction of the Marquette interchange, lying at or near the junction of I-94, I-43, and I-794, in Milwaukee County. In addition to the revenue bond limit of $1,743,570,900 specified above, the building commission may issue revenue bonds for the Marquette interchange reconstruction project in a principal amount that may not exceed $6,996,600.

Current law requires that any major highway project, unlike other construction projects undertaken by DOT, receive the approval of the transportation projects commission (TPC) and the legislature before the project may be constructed. This bill adds three major highway projects recommended by TPC to the current list of enumerated projects already approved for construction.

This bill appropriates federal moneys to fund reconstruction of the Marquette interchange in Milwaukee County. The bill also provides for a grant from DOT to the city of Milwaukee of up to $5,000,000 from the state’s federal interstate cost estimate (ICE) funds to fund a local roads project to reconstruct West Canal Street to serve as a traffic mitigation corridor in connection with the Marquette interchange reconstruction. DOT may not award the grant unless the city makes a matching contribution from its federal ICE funds equal to the amount of the grant from DOT; the city contributes an additional $10,000,000 toward the West Canal Street reconstruction project; and, the federal department of transportation approves the use of the federal ICE funds for the project. The bill also requires DOT to award grants totaling $5,000,000 of state funds to the city of Milwaukee to reconstruct West Canal Street if the city contributes $10,000,000 toward the West Canal Street reconstruction project.

This bill provides that the maximum state share of costs for the project involving demolition of the abandoned Park East Freeway corridor in Milwaukee County is $8,000,000, as provided in an agreement between the city of Milwaukee, Milwaukee County, and the state, of which $6,800,000 is required to be from the state’s federal ICE funds. The local share of costs for the project may not be less than $17,000,000, the amount specified in the agreement between the parties, of which $14,500,000 is required to be federal ICE funds received by the city or county.

Under the nonentitlement component of the local roads improvement program, DOT currently allocates $500,000 in each fiscal year to fund eligible town road improvements and $750,000 in each fiscal year to fund eligible municipal street improvements. This bill requires DOT to make additional allocations of $529,000 in
fiscal year 2001–02 and $1,954,200 in fiscal year 2002–03. These funds may be used for either of these purposes.

**Drivers and Motor Vehicles**

Currently, a person may not operate a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug (OWI), or improperly refuse to submit to a test to determine his or her blood alcohol concentration. Under current law, if a person commits either of these OWI-related offenses, the person’s motor vehicle operating privilege is suspended or revoked for a certain period of time, depending on the number of the person’s prior OWI-related convictions, suspensions, or revocations. A person whose operating privilege is suspended or revoked is eligible to apply for an occupational driver’s license after a waiting period of between 30 and 120 days, depending on the number of the person’s prior OWI-related convictions, suspensions, or revocations. However, a person who has no prior OWI-related convictions, suspensions, or revocations is eligible to apply immediately.

Under current law, if a person is convicted of an OWI-related offense and the person has two or more prior OWI-related convictions, suspensions, or revocations, a court may order that the vehicle owned by the person and involved in the violation or refusal be seized and subject to forfeiture. If the court does not order that the vehicle be seized and subject to forfeiture, the court is required to order that the vehicle be immobilized or equipped with an ignition interlock device.

Beginning on January 1, 2002, a court will not be required to order that the vehicle owned by the person and involved in the violation or refusal be immobilized or equipped with an ignition interlock device even if the court does not order that the vehicle be seized and subject to forfeiture, and even if the person has two or more prior OWI-related convictions, suspensions, or revocations. Rather, the court may, but is not required to, order any of those options.

Also beginning on January 1, 2002, if a person is convicted of an OWI-related offense and the person has one or more prior OWI-related convictions, suspensions, or revocations, the court may, but is not required to, order that the vehicle owned by the person and involved in the violation or refusal be immobilized or equipped with an ignition interlock device.

This bill makes the following changes, beginning on January 1, 2002: 1) if a person is convicted of an OWI-related offense and the person has one or more prior OWI-related convictions, suspensions, or revocations, the court must order that each vehicle owned by the person be immobilized or equipped with an ignition interlock device for a period of not less than one year, and the person is not eligible to apply for an occupational driver’s license for one year; and 2) if a person is convicted of an OWI-related offense and the person has two or more prior OWI-related convictions, suspensions, or revocations, the court may order that the vehicle owned by the person and involved in the violation or refusal be seized and subject to forfeiture in lieu of the ignition interlock or immobilization options.
Under current law, a person who is ordered to pay a fine or a forfeiture (civil monetary penalty) for an OWI violation is required to pay a driver improvement surcharge of $345. Funds collected from the driver improvement surcharge are used to provide alcohol and other drug abuse services to drivers, to provide chemical−testing training to law enforcement officers, and to fund various state agencies for services related to OWI offenses. This bill increases the driver improvement surcharge from $345 to $355.

Under current law, circuit courts and municipal courts may suspend a person’s operating privilege for a variety of reasons, including failure to pay an amount ordered by the court. However, circuit courts and municipal courts are not permitted to suspend a person’s operating privilege solely because of the person’s failure to pay a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle. This bill permits circuit courts and municipal courts to suspend the operating privilege of a juvenile solely because the juvenile has not paid a forfeiture imposed for an ordinance violation unrelated to the operation of a motor vehicle.

Current law imposes a six−year redesign cycle for most motor vehicle registration plates, by the end of which DOT must redesign the plates. DOT must issue redesigned plates upon every initial vehicle registration and upon every registration renewal if the vehicle’s plate is more than six years old. The first six−year cycle will be completed by July 1, 2005, and DOT will have provided redesigned plates to every vehicle by that date. However, DOT may not redesign or reissue the “Celebrate Children” plates until January 1, 2005. After that date, DOT may redesign and issue those plates upon initial registration or renewal.

This bill creates a seven−year redesign cycle and extends the reissue deadline for each category of registration by one year. The bill requires DOT to wait until July 1, 2007, to redesign plates for three recently designed plates: “Celebrate Children,” “Ducks Unlimited,” and “professional football team.”

Under current law, DOT charges a special license plates fee in addition to the regular registration fee to issue or reissue license plates for certain vehicles that are owned or leased by members of authorized special groups. The fee is $5, $10, or $15, depending on the type of plate, except that there are no fees for special plates for disabled veterans and other persons entitled to use disabled parking spaces, Congressional Medal of Honor awardees, certain former prisoners of war, Somalia War veterans, and registrants interested in endangered resources. This bill directs DOT to charge $15 for all special plates, except that there continues to be no charge for special plates for disabled veterans and other disabled persons, Congressional Medal of Honor awardees, and certain former prisoners of war.

Under current law, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain limits on size, weight, or load unless that person possesses a permit issued by DOT. The fees for certain single trip, annual, consecutive month, and multiple trip permits issued by DOT are 10% higher than
the usual rates for the period beginning on January 1, 2000, and ending on June 30, 2003, after which time the fees revert to their previous amounts. This bill delays the sunset date of the permit fee increases from June 30, 2003, to December 31, 2007.

Under current law, DOT charges $3 for any of the following: a single file search or computerized search of vehicle operating records, a single vehicle operating record contained on computer tape or other electronic media, or a single record of uniform traffic citations or motor vehicle accidents contained on computer tape or other electronic media. DOT charges $4 to search a single operating record requested by telephone.

In addition, under current law an employer of any person who operates a commercial motor vehicle (a commercial driver) may register any commercial driver employed by the employer on a list maintained by DOT. DOT notifies the employer of any conviction, suspension, revocation, cancellation, disqualification, or out-of-service order against that driver. DOT charges $3 for each notification that it provides to the employer. This bill increases each of the specified fees by $2.

Current law requires any motor vehicle that is subject to an emissions test to undergo the test within 90 days before the vehicle's registration is renewed in the second year after the vehicle's model year and every two years thereafter. This bill removes the 90-day requirement and allows DOT to determine when those vehicles will be presented for testing.

**Transportation Aids**

Under current law, DOT makes general transportation aids payments to a county based on a share-of-costs formula, and to a city, village, or town (municipality) based on the greater of a share-of-costs formula for municipalities or an aid rate per road mile, which is $1,704 for calendar year 2000 and thereafter. This bill increases the aid rate per road mile to $1,747 for calendar year 2001 and $1,790 for calendar year 2002 and thereafter.

This bill increases the maximum amount of general transportation aids that may be paid to counties from the current limit of $84,059,500 to $88,598,700 in calendar year 2002 and $92,339,300 in calendar year 2003 and thereafter. The bill also increases the maximum amount of aid that may be paid to municipalities under the program from the current limit of $264,461,500 to $277,684,500 in calendar year 2002 and $278,907,200 in calendar year 2003 and thereafter.

Under current law, DOT administers an urban mass transit operating assistance program that provides state aid to local public bodies in urban areas served by mass transit systems to assist with the expenses of operating those systems. Aid paid for mass transit systems that have annual operating expenses of less than $20,000,000 is determined under a formula. Under the formula, DOT makes state aid payments in amounts sufficient to ensure that the combination of state and federal aids contributed toward the operating expenses of an urban mass transit system equals the uniform percentage established by DOT for each of the two
smaller classes of mass transit system. The two smaller classes are: 1) mass transit systems serving urban areas having a population of 50,000 or more but having annual operating expenses of less than $20,000,000 (Tier B systems); and 2) mass transit systems serving urban areas having a population of less than 50,000 (Tier C systems). “Operating expenses” used in this aid formula are based on actual operating costs from the second preceding year, with adjustments for the projected expenses of new services, for which historical cost data is not available.

This bill deletes the requirement that annual transit aid payments for Tier B and Tier C systems be made based on actual operating costs from the second preceding year. The bill requires that annual state transit aid payments for Tier B and Tier C systems be based on estimated operating costs for that year, effective with calendar year 2001 payments.

The bill also increases the total amount of state aid payments to each class of mass transit system, as follows:

1. For a mass transit system having annual operating expenses in excess of $80,000,000 (Tier A-1 system), from $53,555,600 in calendar year 2000 to $54,894,500 in calendar year 2001 and thereafter.

2. For a mass transit system having annual operating expenses of at least $20,000,000 but less than $80,000,000 (Tier A-2 system), from $14,297,600 in calendar year 2000 to $14,655,000 in calendar year 2001 and thereafter.

3. For Tier B systems, from $19,804,200 in calendar year 2000 to $20,299,300 in calendar year 2001 and thereafter.

4. For Tier C systems, from $5,349,100 in calendar year 2000 to $5,482,800 in calendar year 2001 and thereafter.

The bill requires DOT to make supplemental mass transit aid payments in any calendar year for any eligible urban mass transit system for whom the percentage increase in the average cost per passenger trip in the preceding calendar year did not exceed the percentage increase in the consumer price index for that calendar year. DOT must distribute supplemental mass transit aid payments for similar urban mass transit systems on a proportionate basis according to annual ridership on each urban mass transit system during the preceding calendar year.

Under current law, DOT administers a Transportation Facilities Economic Assistance and Development Program. Under the program, DOT may improve a highway, airport, or harbor, or provide other assistance for the improvement of those transportation facilities or certain rail property or railroad tracks, as part of a major economic development project. DOT may also make loans for the improvement of any of these transportation facilities. This bill renames the program the Tommy G. Thompson Transportation Economic Assistance Program.
This bill increases the authorized general obligation bonding limit for the acquisition and improvement by DOT of rail property from $23,500,000 to $28,000,000.

Under current law, with certain exceptions, a property owner is immune from liability for damages occurring on the property while a person is engaged in a recreational activity on the property.

This bill creates an immunity from civil liability for any property owner upon which a rails-with-trails trail is located and for any railroad that operates within an active rail corridor upon which a rails-with-trails trail is located for the death, injury, or property damage resulting from an individual's use of a rails-with-trails trail, regardless of whether the death, injury, or property damage occurred in connection with a recreational activity or occurred on public or private property. Under the bill, a rails-with-trails trail is a strip of land that is located partly or fully within an active rail corridor and is identified in an agreement entered into by a railroad that operates within that rail corridor and a person that is sponsoring and maintaining the strip of land for the use of individuals for purposes specified in the agreement. The immunity does not apply to deaths, injuries, or property damage caused by the property owner's or railroad's willful or wanton acts or omissions.

This bill increases the authorized general obligation bonding limit for grants awarded by DOT for harbor improvements from $22,000,000 to $25,000,000.

This bill authorizes DOT to award grants to a local professional football stadium district, which is a special purpose district, in each county with a population of more than 150,000 that includes the principal site of an existing, or to be constructed, league-approved home stadium for a professional football team. Under the bill, no grant may be awarded after June 30, 2002.

Under current law, DOT administers a program that distributes federal funds for congestion mitigation and air quality improvement projects. Currently, federal law requires a local matching contribution equal to 20% of the cost of a project. This bill requires DOT to award a grant of $420,700 to the city of Kenosha to provide 50% of the local matching contribution required for a congestion mitigation and air quality improvement project for a parking facility in the city of Kenosha. As a condition of receiving the grant, the city of Kenosha must provide matching funds for the project.

Under current law, DOT administers the Safe-Ride Grant Program, under which DOT provides grants to municipalities and nonprofit corporations to cover the costs of transporting persons who have a prohibited alcohol concentration from premises that are licensed to sell alcohol beverages to their places of residence. The program is funded with moneys from the driver improvement surcharge, which is
collected from each person who is ordered to pay a fine or forfeiture for operating a motor vehicle while under the influence of an intoxicant, controlled substance, or other drug. A portion of the surcharge is forwarded to the state and 3.76% of the state’s portion is appropriated to DOT for the Safe−Ride Grant Program.

This bill eliminates the requirement that 3.76% of the state’s portion of the driver improvement surcharge be used to fund the Safe−Ride Grant Program. Under the bill, the secretary of administration may use unencumbered driver improvement surcharge moneys to fund the program after consulting with the secretaries of health and family services and transportation, the superintendent of public instruction, the attorney general, and the president of the UW System.

Under current law, DOT administers a program to reduce the number of automobile trips, especially during peak hours of traffic, and to encourage the shared use of motor vehicles by two or more individuals to or from their places of work or postsecondary school. Under the program, DOT awards grants for the development and implementation of demand management or ride−sharing programs.

This bill makes job access and employment transportation assistance eligible under the program and adds to the program a stated purpose of enhancing the success of welfare−to−work programs.

This bill permits DOT to enter into agreements to accept telecommunications services or any plant or equipment used for telecommunications services as payment for the accommodation of a utility facility within a highway right−of−way.

Under current law, DOT may impose a fee for security and traffic enforcement services provided by the state traffic patrol at any public event that charges spectators an admission fee and that is organized by a private organization. This bill allows DOT to charge a fee for such services at any such event that is publicly or privately organized. The bill allows DOT to charge a fee for security and traffic enforcement services requested by a person who is installing, inspecting, removing, relocating, or repairing a utility facility that lies within a highway right−of−way.

Current federal law requires DOT to pay specified percentages of expenditures for highway construction projects to disadvantaged business enterprises. A “disadvantaged business enterprise” is a business that is at least 51% owned, controlled, and actively managed by minority group members, women, or other individuals found to be socially and economically disadvantaged, or by a combination of such individuals. Current federal law also prohibits DOT from discriminating on the basis of race, color, national origin, or sex in the award of any construction contract that is paid for in part using federal funds.

To determine compliance with these requirements and prohibitions, federal law requires DOT to collect and submit to the federal department of transportation data concerning the ownership of businesses that bid for construction contracts let by DOT, and other financial information pertaining to such businesses and their
owners. Federal law generally requires DOT to keep confidential such information submitted to it by a disadvantaged business enterprise.

This bill requires DOT to keep confidential certain information requested by DOT for purposes of determining or demonstrating compliance with the federal requirements and prohibitions described above. The information required to be kept confidential consists of information relating to an individual’s statement of net worth, a statement of experience, and a company’s financial statement, including the gross receipts of a bidder. The bill contains exceptions to allow DOT to disclose the information to the federal department of transportation, to the person to whom the information relates, and to persons having the written consent of that person.

Currently, under the Veteran’s Housing Loan Program, a veteran who meets certain requirements is eligible for a primary mortgage loan. Current law requires a veteran to apply for a primary mortgage loan through a DVA-approved financial institution (authorized lender). The authorized lender evaluates the veteran’s credit worthiness. DVA also reviews the loan application to ensure that the veteran meets other requirements of the loan program. If the application is approved by both the authorized lender and DVA, the authorized lender makes the loan and then performs loan-servicing activities, such as collecting the veteran’s monthly mortgage payment, forwarding these payments to DVA, and collecting delinquent payments. Before forwarding a monthly mortgage payment to DVA, an authorized lender may deduct from the veteran’s monthly mortgage payment a monthly fee for performing loan-servicing activities.

Also under current law, as a condition of receiving a loan, a veteran must pay to the authorized lender a monthly escrow payment for the payment of real estate taxes and casualty insurance premiums. Current law requires the authorized lender to hold these payments in escrow and then pay to the city and the insurance company the amounts due or the amount escrowed, whichever is less.
Finally, under the loan program, a veteran must have adequate fire and extended coverage insurance. Current law requires that these insurance policies name the authorized lender as an insured.

This bill permits DVA to perform loan-servicing activities for any loans made under the Veteran’s Housing Loan Program and to purchase from authorized lenders the rights to service loans that are made under the program.

The bill funds both the loan-servicing activities and the purchase of servicing rights with moneys from the veterans mortgage loan repayment fund but restricts the expenditure or encumbrance of these moneys until after DVA and DOA develop a plan for the most cost-effective method of servicing the loans.

The bill also permits DVA to hold in escrow monthly payments paid by a veteran for real estate taxes and casualty insurance premiums. The bill requires an authorized lender or, if DVA holds the payments in escrow, DVA to pay the amounts due for real estate taxes and insurance premiums regardless of whether the amount held in escrow is sufficient to cover the amounts due. If the amount held in escrow is insufficient to pay the amounts due, the lender or DVA, after paying the amounts due, must recover the balance from the veteran. If the amount held in escrow is more than the amounts due, the lender or DVA, after paying the amounts due, is required to pay the balance to the veteran. Under the bill, DVA may not begin holding monthly escrow payments until the plan for the most cost-effective method of servicing the loan is completed by DVA and DOA.

Currently, veterans who receive a primary mortgage loan under the Veteran’s Housing Loan Program must pay the authorized lender an origination fee at the time of closing. This bill requires DVA to pay to authorized lenders, on behalf of disabled veterans who have received from the federal department of veterans affairs at least a 30% connected service disability rating, any origination fees.

Currently, an eligible veteran may receive a home improvement loan of up to $25,000 under the Veteran’s Housing Loan Program. This bill specifies that a veteran may use a home improvement loan to remove or otherwise alter existing home improvements that were made to improve the accessibility of the home for a disabled individual.

Under current federal law, veterans and war orphans may receive federal benefits to cover the costs of training and education at certain approved schools or through certain approved courses of instruction. Federal law delegates the authority to approve these schools and courses of instruction to state agencies. Under current state law, the educational approval board (EAB), which is attached to DVA, approves these schools and courses of instruction. This bill eliminates the authority of EAB to approve the schools and courses of instruction for the training and education of veterans and war orphans and authorizes DVA to approve these schools and courses.

Currently, under the Veterans’ Tuition and Fee Reimbursement Program, DVA reimburses eligible veterans up to 65%, or, in the case of certain disabled veterans,
100%, of the tuition and fees incurred by the veteran while a full-time student at a state institution of higher education or at any institution for which the veteran received a tuition waiver under the Minnesota–Wisconsin student reciprocity agreement. For purposes of calculating the amount of a reimbursement, any grants or scholarships received by the veteran are subtracted from the total tuition and fees incurred by the veteran.

Under the current Part-Time Study Grant Program, DVA reimburses eligible veterans up to 65%, or, in the case of certain disabled veterans, 100%, of the cost of tuition and fees incurred by the veteran for a correspondence course or part-time classroom study at a state institution of higher education, at any public or private high school, or at an institution of higher education that is located outside the state, if the course is not offered in the state, is not offered within 50 miles of the veteran’s home, and is not located more than 50 miles from the state boundary line. The reimbursement under either of the above programs may not exceed 65%, and, in the case of certain disabled veterans, 100%, of the standard cost for a state resident at the University of Wisconsin–Madison.

This bill increases the amount an eligible veteran may be reimbursed under either program to 100% of the tuition and fees incurred by the veteran minus any grants or scholarships received by the veteran. The bill also increases the maximum amount of a grant for all eligible veterans under both programs to 100% of the standard cost for a state resident at the University of Wisconsin–Madison. The bill also permits a veteran to receive reimbursement under both programs for tuition and fees incurred by the veteran while a student at a proprietary school that has been approved by EAB or at a school approved by DVA under its authority to approve schools and courses for veterans and war orphans.

Under current law, as a condition of eligibility for most veterans benefit programs, a veteran must have been a resident of this state upon entering or reentering military service or have been a resident of this state for any period of five consecutive years. The same residency requirement applies to veterans who are applying for admission to the Wisconsin Veterans Home at King (WVHK) or the Southern Wisconsin Veterans Retirement Center (SWVRC). In addition, the spouse of a veteran or a parent of a veteran is eligible for admission to WVHK or SWVRC if he or she has been a resident of this state for the five years preceding the date of his or her application for admission. WVHK and SWVRC provide residential treatment and nursing home care to veterans and the spouses and parents of veterans.

Under this bill, a veteran is eligible for those veterans benefit programs that currently have a residency requirement and for admission to WVHK or SWVRC if the veteran was a resident of this state upon entering or reentering military service or has been a resident of this state for any period of 12 consecutive months. Also, under the bill, a spouse or parent of a veteran is eligible for admission to WVHK or SWVRC, if he or she has been a resident of this state for the 12 months preceding the date of his or her application for admission.
Currently, under the Veterans Retraining Grant Program, DVA awards employment retraining grants of up to $3,000 to eligible veterans who are unemployed, underemployed, or who have received a notice of termination of employment. As a condition of eligibility for a retraining grant, a veteran must be enrolled in a proprietary school that is approved by EAB, other than a proprietary school that offers four-year degrees or four-year programs, be enrolled in a technical college training course, or be engaged in a structured on-the-job training program. This bill permits DVA to pay a retraining grant to a veteran’s employer, on behalf of the veteran, if the veteran is engaged in a structured on-the-job training program and is otherwise eligible for the retraining grant program.

This bill requires DVA to pay $100,000 annually to the Wisconsin department of the Disabled American Veterans to provide transportation services to veterans.

**Military Affairs**

Under current law, the Wisconsin national guard is composed of the army and air national guard. Current law also allows the adjutant general to establish and organize a state defense force if the national guard is called into the service of the United States. This bill creates a Wisconsin naval militia, which will be under the control of the adjutant general and will be subject to the same policies and procedures as the other military components.

Under current law, regional emergency response teams have been established to respond to a “Level A” release, which is a release of a hazardous substance that necessitates the highest level of protective equipment for the skin and respiratory systems of emergency response personnel. Local emergency response teams are required to respond to a “Level B” release, which is a release of a hazardous substance that necessitates the highest level of protective equipment for the respiratory systems of emergency response personnel but less skin protection than a “Level A” release.

The division of emergency management in DMA (division) is currently required to promulgate rules regarding the duties of local and regional emergency response teams and the governmental units that employ those teams. The division also awards grants for the cost of such duties and reimburses the teams for unreimbursed costs that are incurred in responding to a release. Emergency response teams are required to make a good faith effort to identify the person who is responsible for the hazardous substance release and to determine if that person is financially able to reimburse the team for its expenses. Currently, a person who is financially able to reimburse the team for expenses incurred in responding to the release is required to reimburse those expenses.

Under this bill, the division must establish the procedures that the emergency response teams must follow to determine if an emergency that requires a team’s response exists as the result of a release or potential release of a hazardous substance. Under the bill, the division must reimburse regional and local emergency response teams for costs incurred in responding to an emergency that results from
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a potential release if procedures have been developed to determine if an emergency exists. A person may be required to reimburse a team for expenses incurred in responding to an emergency that results from a potential release if the team has developed the procedures to determine if an emergency exists.

This bill requires that regional emergency response teams have members that meet the highest standards required under federal law and the National Fire Protection Association and that are trained in each of the appropriate specialty areas under the National Fire Protection Association standard. The bill also requires regional emergency response teams to file annual financial reports with the adjutant general.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.02 (1) of the statutes is renumbered 5.02 (1c).

SECTION 2. 5.02 (1a) of the statutes is created to read:

5.02 (1a) “Alternate identification,” when used in reference to any individual, means any identification card other than preferred identification that contains the photograph and current street address of the individual.

SECTION 3. 5.02 (15m) of the statutes is created to read:

5.02 (15m) “Preferred identification,” when used in reference to any individual, means a valid operator’s license issued to the individual under ch. 343 that contains the photograph and current street address of the individual or a valid identification card issued to the individual under s. 343.50 that contains the current street address of the individual.

SECTION 4. 5.02 (17) of the statutes is amended to read:
5.02 (17) “Registration list” means the list of electors who are properly registered to vote in municipalities in which registration is required.

**SECTION 5.** 5.05 (1) (f) of the statutes is amended to read:

5.05 (1) (f) Promulgate rules under ch. 227 applicable to all jurisdictions for the purpose of promoting the efficient and fair conduct of elections, interpreting or implementing the laws regulating the conduct of elections or election campaigns or ensuring their proper administration.

**SECTION 6.** 5.05 (8) of the statutes is created to read:

5.05 (8) **Training of Observers at Polling Places.** The board shall conduct training programs to enable individuals exercising the right of access to polling places under s. 7.41 (1) to inform themselves concerning the election laws, the procedures for conducting elections, and the rights of individuals who observe election proceedings. The board may charge participants in any programs for the cost of conducting the programs.

**SECTION 7.** 5.05 (10) of the statutes is created to read:

5.05 (10) **Grants to Counties and Municipalities.** From the appropriation under s. 20.510 (1) (d), the board shall provide grants to counties and municipalities that apply for assistance to finance the cost of maintenance of the elector registration list under s. 6.33 (5). The board shall, by rule, prescribe an application procedure and an equitable method for allocation of grant moneys among counties and municipalities who apply for grants under this subsection.

**SECTION 8.** 5.15 (6) (b) of the statutes is amended to read:

5.15 (6) (b) No later than 60 days before each September primary and general election, and no later than 30 days before each other election the governing body of any municipality may by resolution combine 2 or more wards for voting purposes to
facilitate using a common polling place. Whenever wards are so combined, the original ward numbers shall continue to be utilized for all official purposes. Except as otherwise authorized under this paragraph, every municipality having a population of 35,000 or more shall maintain separate returns for each ward so combined. In municipalities having a population of less than 35,000, the governing body may provide in the resolution that returns shall be maintained only for each group of combined wards at any election. Whenever a governing body provides for common ballot boxes and ballots or voting machines, separate returns shall be maintained for each separate ballot required under ss. 5.62 and 5.64 at the September primary and general election. The municipal clerk shall transmit a copy of the resolution to the county clerk of each county in which the municipality is contained. In municipalities having a population of less than 35,000, the resolution shall remain in effect for each election until modified or rescinded, or until a new division is made under this section. Whenever a municipality combines wards or discontinues any ward combination under this paragraph, the municipal clerk shall promptly notify the board in writing or by electronic transmission.

**SECTION 9.** 5.40 (6) of the statutes is amended to read:

5.40 (6) A municipality which utilizes voting machines or an electronic voting system at a polling place may permit use of the machines or system by electors voting under s. 6.15 only as authorized under s. 6.15 (3) (b).

**SECTION 10.** 6.15 (2) (title) of the statutes is amended to read:

6.15 (2) (title) Application for ballot Procedure at clerk's office.

**SECTION 11.** 6.15 (2) (a) (intro.) of the statutes is amended to read:

6.15 (2) (a) (intro.) The elector’s request for the application form may be made to the proper municipal clerk either in person or in writing any time during the
10-day period in which the elector’s residence requirement is incomplete, but not
later than the applicable deadline for making application for an absentee ballot.
Except as provided in par. (e), application may be made not sooner than 9 days nor
later than 5 p.m. on the day before the election, or may be made at the proper polling
place in for the ward or election district in which the elector resides. The application
form shall be returned to the municipal clerk after the affidavit has been signed in
the presence of the clerk or any officer authorized by law to administer oaths. The
affidavit shall be in substantially the following form:

**SECTION 12.** 6.15 (2) (bm) of the statutes is created to read:

6.15 (2) (bm) When making application in person at the office of the municipal
clerk, each applicant shall present preferred identification or, if the applicant is
unable to present preferred identification, the applicant shall present alternate
identification. If the applicant is unable to present preferred or alternate
identification, the applicant shall present any identification card that contains the
name and photograph of the applicant and an identification number. If the applicant
is unable to present any identification authorized under this paragraph, the
application information may be corroborated in a statement that is signed by any
other elector who resides in the municipality and who has not, during that day,
corroborated the identity of more than one other person and that contains the current
street address of the corroborator. The corroborator shall then provide identification
in the same manner as if the corroborator were applying for a ballot under this
paragraph. The clerk shall record on the application form, for any applicant who is
unable to present preferred or alternate identification, the type of identification the
applicant is able to present, if any, and the identifying number contained in that
identification.
SECTION 13. 6.15 (2) (d) 1g. of the statutes is created to read:

6.15 (2) (d) 1g. Except as otherwise provided in this subdivision, if the elector makes application in person at the office of the municipal clerk, the clerk shall verify that the name and address on the identification provided by the elector under par. (bm) or the name and address corroborated under par. (bm) are the same as the name and address on the elector’s application and shall verify that the photograph contained in the identification reasonably resembles the elector. If the elector presents an identification card that is not preferred or alternate identification or that contains an address different from that on the application, the clerk shall verify that the name and identifying number on the identification card are the same as the person’s name on the application and the identifying number on any identification card that the person’s application indicates he or she is able to present. If the person’s application does not indicate that he or she is able to present an identification card or if the identifying number on the identification card is different from the identifying number indicated in the person’s application, the clerk shall record the type of identification and the identifying number contained in that identification.

SECTION 14. 6.15 (2) (e) of the statutes is created to read:

6.15 (2) (e) If the elector makes application in writing but does not appear in person, and the clerk receives a properly completed application and cancellation card from the elector, the clerk shall provide the elector with a ballot. If the ballot is to be mailed, the application must be received no later than 5 p.m. on the Friday before the election. In order to be counted, the ballot must be received by the municipal clerk no later than 5 p.m. on the day before the election.

SECTION 15. 6.15 (3) (a) (title) of the statutes is repealed.
SECTION 16. 6.15 (3) (a) 1., 2. and 3. of the statutes are renumbered 6.15 (2) (d) 1r., 2. and 3., and 6.15 (2) (d) 1r., as renumbered, is amended to read:

6.15 (2) (d) 1r. Upon proper completion of the application and cancellation card, and verification and recording of the elector’s identification under subd. 1g., if required, the municipal clerk shall inform the elector that he or she may vote for the presidential electors not sooner than 9 days nor later than 5 p.m. on the day before the election at the office of the municipal clerk, or at a specified polling place on election day. When voting at the municipal clerk’s office, the applicant shall provide identification and permit the elector to cast his or her ballot for president and vice president. The elector shall then mark or punch the ballot in the clerk’s presence in a manner that will not disclose his or her vote. Unless the ballot is utilized with an electronic voting system, the applicant elector shall fold the ballot so as to conceal his or her vote. The applicant elector shall then deposit the ballot and seal it in an envelope furnished by the clerk.

SECTION 17. 6.15 (3) (b) (title) of the statutes is repealed.

SECTION 18. 6.15 (3) (b) of the statutes is renumbered 6.15 (3) and amended to read:

6.15 (3) VOTING PROCEDURE Procedure at polling place. An eligible elector may appear at the polling place for the ward or election district where he or she resides and make application for a ballot under sub. (2). In such case, the inspector or special registration deputy except as otherwise provided in this subsection, an elector who casts a ballot under this subsection shall follow the same procedure required for casting a ballot at the municipal clerk’s office under sub. (2). The inspectors shall perform the duties of the municipal clerk. The elector shall provide identification. If the elector is qualified, he or she shall be permitted to vote except
that the inspectors shall return the cancellation card under sub. (2) (b) to the
municipal clerk and the clerk shall forward the card as provided under sub. (2) (c)
if required. Upon proper completion of the application and cancellation card and
verification and recording of elector’s identification under sub. (2) (d) 1g., the
inspectors shall permit the elector to cast his or her ballot for president and vice
president. The elector shall then mark or punch the ballot and, unless the ballot is
utilized with an electronic voting system, the elector shall fold the ballot, and shall
deposit the ballot into the ballot box or give it to the inspector. The inspector shall
deposit it directly into the ballot box. Voting machines or ballots utilized with
electronic voting systems may be used by electors voting under this section if they
permit voting for president and vice president only.

**SECTION 19.** 6.20 of the statutes is amended to read:

6.20 **Absent electors.** Any qualified elector of this state who registers where
required may vote by absentee ballot under ss. 6.84 to 6.89.

**SECTION 20.** 6.24 (3) of the statutes is amended to read:

6.24 (3) **Registration.** If registration is required in the municipality where the
overseas elector resided or where the overseas elector’s parent resided, the
elector shall register in the municipality where he or she was last domiciled or where
the overseas elector’s parent was last domiciled on a form prescribed by the board
designed to ascertain the elector’s qualifications under this section. The form shall
be substantially similar to the original form under s. 6.33 (1), insofar as applicable.
Registration shall be accomplished in accordance with s. 6.30 (4).

**SECTION 21.** 6.24 (4) (a) of the statutes is amended to read:

6.24 (4) (a) An overseas elector who is properly registered where registration
is required may request an absentee ballot in writing under ss. 6.86 to 6.89.
SECTION 22. 6.24 (4) (c) of the statutes is amended to read:

6.24 (4) (c) Upon receipt of a timely application from an individual who qualifies as an overseas elector and who has registered to vote in a municipality under sub. (3) whenever registration is required in that municipality, the municipal clerk of the municipality shall send an absentee ballot to the individual for all subsequent elections for national office to be held during the year in which the ballot is requested, unless the individual otherwise requests or until the individual no longer qualifies as an overseas elector.

SECTION 23. 6.24 (8) of the statutes is repealed.

SECTION 24. 6.27 (1) of the statutes is renumbered 6.27 and amended to read:

6.27 Where elector Elector registration required. Every municipality over 5,000 population shall keep a registration list consisting of all currently registered electors. Where used, registration applies to Registration is required in every municipality for all elections.

SECTION 25. 6.27 (2) to (5) of the statutes are repealed.

SECTION 26. 6.28 (1) of the statutes is amended to read:

6.28 (1) REGISTRATION LOCATIONS; DEADLINE. Except as authorized in ss. 6.29 and 6.55 (2), registration in person for any election shall close at 5 p.m. on the 2nd Wednesday preceding the election. Registrations made by mail under s. 6.30 (4) must be delivered to the office of the municipal clerk or postmarked no later than the 2nd Wednesday preceding the election. An application for registration in person or by mail may be accepted for placement on the registration list after the specified deadline, if the municipal clerk determines that the registration list can be revised to incorporate the registration in time for the election. All applications for registration corrections and additions may be made throughout the year at the office
of the city board of election commissioners, at the office of the municipal clerk, at the
office of any register of deeds or at other locations provided by the board of election
commissioners or the common council in cities over 500,000 population or by either
or both the municipal clerk, or the common council, village or town board in all other
municipalities and may also be made during the school year at any high school by
qualified persons under sub. (2) (a). Other registration locations may include but are
not limited to fire houses, police stations, public libraries, institutions of higher
education, supermarkets, community centers, plants and factories, banks, savings
and loan associations and savings banks. Special registration deputies shall be
appointed for all locations. An elector who registers under this section and who
wishes to obtain a confidential listing under s. 6.47 (2) shall register at the office of
the municipal clerk of the municipality where the elector resides.

Section 27. 6.28 (2) (b) of the statutes is amended to read:

6.28 (2) (b) The municipal clerk of each municipality in which elector
registration is required shall notify the school board of each school district in which
the municipality is located that high schools shall be used for registration pursuant
to par. (a). The school board and the municipal clerk shall agree upon the
appointment of at least one qualified elector at each high school as a special school
registration deputy. The municipal clerk shall appoint such person as a school
registration deputy and explain the person’s duties and responsibilities. Students
and staff may register at the high school on any day that classes are regularly held.
The school registration deputies shall promptly forward properly completed
registration forms to the municipal clerk of the municipality in which the registering
student or staff member resides. The municipal clerk, upon receiving such
registration forms, shall add all those registering electors who have met the
registration requirements to the registration list. The municipal clerk may reject any registration form and shall promptly notify the person whose registration is rejected of the rejection and the reason therefor. A person whose registration is rejected may reapply for registration if he or she is qualified. The form of each high school student who is qualified and will be eligible to vote at the next election shall be filed in such a way that when a student attains the age of 18 years the student is registered to vote automatically. Each school board shall assure that the principal of every high school communicates elector registration information to students.

SECTION 28. 6.28 (3) of the statutes is amended to read:

6.28 (3) AT OFFICE OF REGISTER OF DEEDS. Any person who resides in a municipality requiring registration of electors shall be given an opportunity to register to vote at the office of the register of deeds for the county in which the person’s residence is located. An applicant may fill out the required registration form under s. 6.33. Upon receipt of a completed form, the register of deeds shall forward the form within 5 days to the appropriate municipal clerk, or to the board of election commissioners in cities over 500,000 population. The register of deeds shall forward the form immediately whenever registration closes within 5 days of receipt.

SECTION 29. 6.29 (1) of the statutes is amended to read:

6.29 (1) No names may be added to a registration list for any election after the close of registration, except as authorized under this section or s. 6.28 (1) or 6.55 (2). Any person whose name is not on the registration list but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section, if the person complies with all other requirements for voting at the polling place.

SECTION 30. 6.29 (2) (a) of the statutes is amended to read:
6.29 (2) (a) Any qualified elector of a municipality where registration is required who has not previously filed a registration form or whose name does not appear on the registration list of the municipality shall be entitled to vote at the election if he or she delivers to the municipal clerk may register after the close of registration but not later than 5 p.m. of the day before an election at the office of the municipal clerk or at the office of the county clerk if the county clerk is acting as the agent of the municipal clerk for electronic entry of registration changes under s. 6.33 (5) (b). The elector shall complete, in the manner provided under s. 6.33 (2), a registration form executed by the elector. The form shall contain a certification by the elector that all statements are true and correct. Alternatively, if the elector cannot obtain a registration form, the elector may deliver a statement, signed by the elector, containing all of the information required on the registration form containing all information required under s. 6.33 (1). The elector shall present preferred identification or, if the elector is unable to present preferred identification, the elector shall present alternate identification. If the elector is unable to present preferred or alternate identification, the elector shall present any identification card that contains the name and photograph of the elector and an identifying number. If any identification presented by the elector is not acceptable proof of residence as provided in under s. 6.55 (7), the elector shall also present acceptable proof of residence. If no proof is presented the elector is unable to present any identification authorized under this paragraph or acceptable proof of residence under s. 6.55 (7), the information contained in the registration form or the listing of required information shall be substantiated corroborated in a statement that is signed by one any other elector of the municipality, corroborating all the material statements therein who has not, during that day, corroborated the registration information of
more than one other elector and that contains the current street address of the
corroborating elector. The corroborating elector shall then provide identification in
the same manner as if the corroborating elector were registering under this
paragraph and acceptable proof of residence under s. 6.55 (7). The signing of the form
by the registering elector and statement by the corroborating elector shall be done
in the presence of the municipal clerk or deputy clerk not later than 5 p.m. of the day
before an election.

SECTION 31. 6.29 (2) (b) of the statutes is amended to read:

6.29 (2) (b) Upon Unless the municipal clerk determines that the registration
list will be revised to incorporate the registration in time for the election, upon the
filing of the registration form required by this section, the municipal clerk, or the
county clerk if designated under s. 6.33 (5) (b), shall issue a certificate addressed to
the inspectors of the proper ward or election district directing that the elector be
permitted to cast his or her vote, unless the clerk determines that the registration
list will be revised to incorporate the registration in time for the election if the elector
complies with all requirements for voting at the polling place. The certificate shall
be numbered serially, prepared in duplicate and one copy preserved in the office of
the municipal clerk. The certificate shall indicate the name and address of the
elector and, if the elector is unable to present preferred or alternate identification,
the certificate shall indicate the type of identification, if any, the elector is able to
present and the identifying number contained in that identification.

SECTION 32. 6.33 (title) of the statutes is amended to read:

6.33 (title) Registration forms; manner of completing.

SECTION 33. 6.33 (1) of the statutes is amended to read:
6.33 (1) The municipal clerk shall supply sufficient registration forms as prescribed by the board printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, residence location, citizenship, age, whether the applicant has resided within the ward or election district for at least 10 days, whether the applicant has lost his or her right to vote, and whether the applicant is currently registered to vote at any other location, and shall provide a space for the applicant’s signature and the ward and aldermanic district, if any, where the elector resides. The forms shall also include a space for where the clerk, issuing officer, or registration deputy may record, for any applicant under s. 6.29 (2) or 6.55 (2) who is unable to present preferred or alternate identification, the type of identification serial, if any, the applicant is able to present and the identifying number of any elector who is issued such a number under s. 6.47 (3) contained in that identification. The forms shall also include a space where the clerk, issuing officer, or registration deputy, for any applicant who possesses a valid voting identification card issued to the person under s. 6.47 (3), may record the identification serial number appearing on the voting identification card and shall include a space for any other information prescribed by rule of the board. Each register of deeds shall obtain sufficient registration forms at the expense of the unit of government by which he or she is employed for completion by any elector who desires to register to vote at the office of the register of deeds under s. 6.28 (3).

Section 34. 6.33 (2) (a) of the statutes is amended to read:

6.33 (2) (a) The information may be recorded by any person, but the except that the ward and aldermanic district, if any, and any information relating to the identification an applicant under s. 6.29 (2) or 6.55 (2) is able to present and any information relating to an applicant’s voting identification card shall be recorded by
the clerk, issuing officer, or registration deputy. Each applicant shall sign his or her own name unless the applicant is unable to sign his or her name due to physical disability. In such case, the applicant may authorize another elector to sign the form on his or her behalf. If the applicant so authorizes, the elector signing the form shall attest to a statement that the application is made upon request and by authorization of a named elector who is unable to sign the form due to physical disability. Ward and aldermanic district information shall be filled in by the clerk.

**SECTION 35.** 6.33 (5) of the statutes is created to read:

6.33 (5) (a) Except as provided in par. (b), whenever a municipal clerk receives a valid registration or valid change of a name or address under an existing registration and whenever a municipal clerk cancels a registration, the municipal clerk shall promptly enter electronically on the list maintained by the board under s. 6.36 (1) the information required under that subsection, except that the municipal clerk may update any entries that change on the date of an election in the municipality within 10 days after that date, and the municipal clerk shall provide to the board information that is confidential under s. 6.47 (2) in such manner as the board prescribes.

(b) The town clerk of any town having a population of not more than 5,000 may designate the county clerk of the county where the town is located as the town clerk's agent to carry out the functions of the town clerk under this subsection for that town. The town clerk shall notify the county clerk of any such designation in writing. The town clerk may, by similar notice to the county clerk at least 14 days prior to the effective date of any change, discontinue the designation. If the town clerk designates a county clerk as his or her agent, the town clerk shall immediately
forward all registration changes filed with the town clerk to the county clerk for electronic entry on the registration list.

SECTION 36. 6.35 (2) of the statutes is repealed.

SECTION 37. 6.35 (3) of the statutes is amended to read:

6.35 (3) In municipalities employing data processing for keeping of registration forms, original registration forms shall be maintained in the office of the municipal clerk or board of election commissioners at all times.

SECTION 38. 6.35 (5) and (6) of the statutes are repealed.

SECTION 39. 6.36 (1) of the statutes is repealed and recreated to read:

6.36 (1) (a) The board shall compile and maintain electronically an official registration list. Except as provided in sub. (2) (b), the list shall contain the name and address of each registered elector in the state and such other information as the board prescribes by rule.

(b) Except for the addresses of electors who obtain a confidential listing under s. 6.47 (2), the list shall be open to public inspection under s. 19.35 (1) and shall be electronically accessible by any person, but no person other than the board or an election official who is authorized by a municipal clerk may make a change in the list. The list shall be electronically accessible by name and shall also be accessible in alphabetical order of the electors’ names for the entire state and for each county, municipality, ward, and combination of wards authorized under s. 5.15 (6) (b).

(c) The list shall be designed in such a way that the municipal clerk or board of election commissioners of any municipality may, by electronic transmission, add, revise, or remove entries on the list for any elector who resides in, or who the list identifies as residing in, that municipality and no other municipality.
(d) The board shall not make any changes in entries to the registration list except as follows:

1. Upon receipt of official notification by the appropriate election administrative authority of another state, territory, or possession that an elector whose name appears on the list has registered to vote in that state, territory, or possession, the board shall remove the name of that elector from the list.

2. If the board conducts the canvass required under s. 6.50 (1) and (2) or (2m), the board shall cancel the registration of any elector whose registration is required to be canceled by the municipal clerk or board of election commissioners under those provisions.

(e) If the board removes the name of any elector from the list, the board shall promptly notify the municipal clerk of the municipality where the elector resides or resided, in writing or by electronic transmission.

SECTION 40. 6.36 (2) (a) of the statutes is amended to read:

6.36 (2) (a) Except as provided in par. (b), the each registration list prepared for use at a polling place shall contain the full name and address of each registered elector, the type of identification card, if any, that each elector registered under s. 6.29 (2) or 6.55 (2) is able to present and the identifying number contained in that identification card; a blank column for the entry of the serial number of the electors when they vote; and a form of a certificate bearing the certification of the executive director of the board stating that each the list is a true and complete combined check and registration list of the respective municipality or the ward or wards for which the list is prepared.

SECTION 41. 6.36 (3) of the statutes is amended to read:
6.36 (3) Municipalities shall prepare at least 2 copies of the registration list for each ward and bind them in book form. The original registration forms constitute the official registration list and shall be controlling whenever discrepancies occur in entering information from the forms under s. 6.33 (5).

SECTION 42. 6.47 (2) of the statutes is amended to read:

6.47 (2) Except as authorized in sub. (8), the board and each municipal clerk, and each county clerk who is designated under s. 6.33 (5) (b) as the agent of a municipal clerk, shall withhold from public inspection under s. 19.35 (1) the name and address of any eligible individual whose name appears on a poll list or registration list if the individual files provides the municipal clerk, or the county clerk if designated under s. 6.33 (5) (b), with a valid written request with the clerk to protect the individual’s confidentiality. To be valid, a request under this subsection must be accompanied by a copy of a protective order that is in effect, an affidavit under sub. (1) (a) 2. that is dated within 30 days of the date of the request or a statement signed by the operator or an authorized agent of the operator of a shelter that is dated within 30 days of the date of the request and that indicates that the operator operates the shelter and that the individual making the request resides in the shelter. A physically disabled individual who appears personally at the office of the municipal clerk, or the county clerk if designated under s. 6.33 (5) (b), accompanied by another elector of this state may designate that elector to make a request under this subsection on his or her behalf. Any county clerk that receives a valid written request under this subsection shall promptly forward the request to the municipal clerk.

SECTION 43. 6.47 (3) of the statutes is amended to read:
6.47 (3) Upon listing of receiving a valid written request from an elector under sub. (2), the municipal clerk, or the county clerk if designated under s. 6.33 (5) (b), shall issue to the elector a voting identification card on a form prescribed by the board that shall contain the name of the elector's municipality of residence and in the case of a town, the county in which the town is located, the elector's name, the ward in which the elector resides, if any, and a unique identification serial number issued by the board. The number issued to an elector under this subsection shall not be changed for so long as the elector continues to qualify for a listing under sub. (2).

SECTION 44. 6.50 (1) (intro.) of the statutes is amended to read:

6.50 (1) (intro.) Within 90 days following each general election, the municipal clerk or board of election commissioners of each municipality in which registration is required shall examine the registration records and identify each elector who has not voted within the previous 4 years if qualified to do so during that entire period and shall mail a notice to the elector in substantially the following form:

SECTION 45. 6.50 (2m) (a) of the statutes is amended to read:

6.50 (2m) (a) As an alternative to the procedure prescribed in subs. (1) and (2), the governing body of a municipality where registration is required may provide for revision of registration lists under this subsection.

SECTION 46. 6.50 (2m) (b) of the statutes is amended to read:

6.50 (2m) (b) Following Within 90 days following each general election, the municipal clerk of the municipality shall revise and correct the registration list by reviewing the registration of any elector who failed to vote within the past 4 years if qualified to do so during that entire period. Each such elector shall be mailed an address verification card under par. (c). If an address verification card is returned
by the postal service to the clerk, the registration of such elector shall be canceled. Otherwise, the registration shall be retained notwithstanding failure of the elector to vote at any election, except as provided in subs. (4) to (7).

**SECTION 47.** 6.50 (2s) of the statutes is created to read:

6.50 (2s) If, within 120 days following a general election, the municipal clerk or board of election commissioners has not completed the canvass required under sub. (1) and (2) or (2m), the board may conduct the canvass and may submit to the municipal clerk or board of election commissioners a statement of its reasonable costs incurred. The municipality shall reimburse the board for those costs within 30 days following receipt of the statement. If the municipality fails to timely reimburse the board, the board may submit a statement to the department of administration indicating the amount of the reimbursement due from the municipality and directing the department to deduct that amount from the next payment made to the municipality under s. 79.02.

**SECTION 48.** 6.50 (10) of the statutes is amended to read:

6.50 (10) Any elector whose registration is canceled under this section may have his or her registration reinstated by filing a new registration form as provided under s. 6.28 (1), 6.29 (2), or 6.55 (2).

**SECTION 49.** 6.54 of the statutes is repealed.

**SECTION 50.** 6.55 (2) (a) 1. (intro.) of the statutes is amended to read:

6.55 (2) (a) 1. (intro.) Except where the procedure under par. (c) or (cm) is employed, any person who qualifies as an elector in the ward or election district where he or she desires to vote, but has not previously filed a registration form, or was registered at another location in a municipality where registration is required, may request permission to vote at the polling place for that ward or election district,
or at an alternate polling place assigned under s. 5.25 (5) (b). When a proper request
is made, the inspector shall require the person to execute a registration form
prescribed by the board that. The registration form shall be completed in the manner
provided under s. 6.33 (2) and shall contain all information required under s. 6.33
(1), along with the following certification:

SECTION 51. 6.55 (2) (b) of the statutes is amended to read:

6.55 (2) (b) Upon executing the registration form under par. (a), the person
shall be required by a special registration deputy or inspector to present preferred
identification or, if the person is unable to present preferred identification, the
person shall present alternate identification. If the person is unable to present
preferred or alternate identification, the person shall present any identification card
that contains the name and photograph of the person and an identifying number.
If any identification presented by the person is not acceptable proof of residence
under sub. (7), the elector shall also present acceptable proof of residence. If the
person cannot supply such proof identification authorized under this paragraph or
proof of residence, the information contained in the registration form shall be
substantiated and signed corroborated in a statement that is signed by one other any
elector who resides in the same municipality as the registering elector, corroborating
all the material statements therein and who has not, during that day, corroborated
the registration information of more than one other person and that contains the
current street address of the corroborator. The corroborator shall then provide
identification in the same manner as if the corroborator were registering under this
subsection and shall provide acceptable proof of residence. The signing by the elector
person executing the registration form and by any elector who corroborates the
information in the form corroborator shall be in the presence of the special
registration deputy or inspector. Upon compliance with this procedure, such person shall then be given the right to vote; the elector shall be permitted to cast his or her vote, if the elector complies with all other requirements for voting at the polling place.

Section 52. 6.55 (2) (c) 1. of the statutes is amended to read:

6.55 (2) (c) 1. As an alternative to registration at the polling place under pars. (a) and (b), the board of election commissioners, or the governing body of any municipality in which registration is required may by resolution require a person who qualifies as an elector and who is not registered and desires to register on the day of an election to do so at another readily accessible location in the same building as the polling place serving the elector's residence or at an alternate polling place assigned under s. 5.25 (5) (b), instead of at the polling place serving the elector's residence. In such case, the municipal clerk shall prominently post a notice of the registration location at the polling place. The municipal clerk, deputy clerk or special registration deputy at the registration location shall require such person to execute a registration form as prescribed under par. (a) and to provide present preferred identification or, if the person is unable to present preferred identification, alternate identification. If the person is unable to present preferred or alternate identification, the person shall present any identification card that contains the name and photograph of the person and an identifying number. If any identification presented by the person is not acceptable proof of residence as provided under sub. (7), the elector shall also present acceptable proof of residence. If the person cannot supply such proof identification authorized under this subdivision or acceptable proof of residence, the information contained in the registration form shall be corroborated in the manner provided in par. (b). The signing by the elector person executing the
registration form and by any corroborating elector corroborator shall be in the presence of the municipal clerk, deputy clerk or special registration deputy. Upon proper completion of registration, the municipal clerk, deputy clerk or special registration deputy shall serially number the registration and give one copy to the elector for presentation at the polling place serving the elector’s residence or an alternate polling place assigned under s. 5.25 (5) (b).

SECTION 53. 6.55 (2) (c) 2. of the statutes is amended to read:

6.55 (2) (c) 2. Upon compliance with the procedures under subd. 1., the municipal clerk or deputy clerk shall issue a certificate addressed to the inspectors of the proper polling place directing that the elector be permitted to cast his or her vote if the elector complies with all requirements for voting at the polling place. If the elector’s registration is corroborated, the clerk shall enter the name and address of the corroborator on the face of the certificate. The certificate shall be numbered serially and prepared in duplicate. The municipal clerk shall preserve one copy in his or her office. The certificate shall indicate the name and address of the elector and, if the elector is unable to present preferred or alternate identification, the certificate shall indicate the type of identification, if any, the elector is able to present and the identifying number contained in that identification.

SECTION 54. 6.55 (2) (d) of the statutes is amended to read:

6.55 (2) (d) A registered elector who has changed his or her name but resides at the same address, and has not notified the municipal clerk under s. 6.40 (1) (c), shall notify the inspector of the change before voting. The inspector shall then notify the municipal clerk at the time which materials are returned under s. 6.56 (1). If an elector has changed both a name and address, the elector shall complete a
registration form register at the polling place or other registration location under pars. (a) and (b).

SECTION 55. 6.55 (3) of the statutes is amended to read:

6.55 (3) Any qualified elector in the ward or election district where the elector desires to vote whose name does not appear on the registration list where registration is required but who claims to be registered to vote in the election may request permission to vote at the polling place for that ward or election district. When the request is made, the inspector shall require the person to give his or her name and address. If the elector is not at the polling place which serves the ward or election district where the elector resides, the inspector shall provide the elector with directions to the correct polling place. If the elector is at the correct polling place, the elector shall then execute the following written statement: “I, ...., hereby certify that to the best of my knowledge, I am a qualified elector, having resided at .... for at least 10 days immediately preceding this election, and that I am not disqualified on any ground from voting, and I have not voted at this election and am properly registered to vote in this election.” The person shall be required to provide present preferred identification or, if the person is unable to present preferred identification, alternate identification. If the person is unable to present preferred or alternate identification, the person shall present any identification card that contains the name and photograph of the person and an identifying number. If any identification presented by the person is not acceptable proof of residence as provided under sub. (7), the person shall also present acceptable proof of residence and shall then be given the right to vote. If acceptable proof is presented, the elector need not have the information corroborated by any other elector. If acceptable the person fails to present any identification or proof is not presented of residence required under this
subsection, the statement shall be certified by the elector and shall be corroborated in a statement that is signed by another any other elector who resides in the municipality and who has not, during that day, corroborated the registration information of more than one other person and that contains the current street address of the corroborator. The corroborator shall then provide identification in the same manner as if the corroborator were executing the certification under this subsection and, if the identification is not acceptable proof of residence as provided under sub. (7), shall provide acceptable proof of residence as provided in sub. (7).

Whenever the question of identity or residence cannot be satisfactorily resolved and the elector cannot be permitted to vote, an inspector shall telephone the office of the municipal clerk to reconcile the records at the polling place with those at the office.

SECTION 56. 6.55 (7) (c) 1. of the statutes is amended to read:

6.55 (7) (c) 1. An Wisconsin motor vehicle operator's license issued under ch. 343.

SECTION 57. 6.55 (7) (c) 2. of the statutes is amended to read:

6.55 (7) (c) 2. An Wisconsin identification card issued under s. 125.08, 1987 stats s. 343.50.

SECTION 58. 6.79 (intro.) (except 6.79 (title)) of the statutes is renumbered 6.79 (1m) and amended to read:

6.79 (1m) SEPARATE POLL LISTS. Two election officials at each election ward shall be in charge of and shall maintain 2 separate poll lists of containing information relating to all persons voting. The municipal clerk may elect to maintain the information on the poll list lists manually or electronically. If the list is lists are maintained electronically, the officials shall enter the information into an electronic
data recording system that enables retrieval of a printed copy of the poll list at the polling place. The system employed is subject to the approval of the board.

**SECTION 59.** 6.79 (1) of the statutes is repealed.

**SECTION 60.** 6.79 (2) of the statutes is repealed and recreated to read:

6.79 (2) Verification of identity and address and maintenance of poll lists.

(a) Unless information on the poll list is entered electronically, the municipal clerk shall supply the inspectors with 2 copies of the most current original registration list or lists prepared under s. 6.36 (1) for use as poll lists at the polling place. Except as provided in sub. (6), each person, before receiving a serial number, shall state his or her full name and address and shall present preferred identification or, if the person is unable to present preferred identification, alternate identification. Except as provided in sub. (6), if the person is unable to present preferred or alternate identification, the person shall present any identification card that contains the name and photograph of the person and an identifying number. If a person is unable to present any identification authorized under this paragraph, the person’s identity and address may be corroborated in a statement that is signed by any other elector who resides in the municipality and who has not, during that day, corroborated the identity and address of more than one other person and that contains the current street address of the corroborator. The corroborator shall then provide identification in the same manner as if the corroborator were attempting to vote under this subsection.

(b) 1. Except as otherwise provided in this paragraph, the officials shall verify that the name and address on the identification provided by the person under par. (a) or the name and address corroborated under par. (a) are the same as the person’s
name and address on the poll list and shall verify that the photograph contained in the identification reasonably resembles the person.

2. If the person presents an identification card under par. (a) that is not preferred or alternate identification or that contains an address different from that on the poll list, the officials shall verify that the name and identifying number on the identification card are the same as the person’s name on the poll list and the identifying number on any identification card that the person’s registration indicates he or she is able to present. If the person’s registration does not indicate that he or she is able to present an identification card or if the identifying number on the identification card is different from the identifying number indicated in the person’s registration, the officials shall enter on the poll list, after the name of the person, the type of identification and the identifying number contained in that identification.

3. If the person presents a certificate for that election issued to the person under s. 6.29 (2) (b) or a certificate issued to the person that day under s. 6.55 (2) (c) 2., the officials shall verify that the name and address on the identification provided by the person under par. (a) or the name and address corroborated under par. (a) are the same as the person’s name and address on the certificate. If the person presents an identification card under par. (a) that is not preferred or alternate identification or that contains an address different from that on the certificate, the officials shall verify that the name and identifying number on the identification card are the same as the person’s name on the certificate and the identifying number on any identification card that the certificate indicates he or she is able to present. If the certificate does not indicate he or she is able to present an identification card or if the identifying number on the identification card is different from the identifying
number indicated in the certificate, the officials shall enter on the certificate the type
of identification and the identifying number contained in that identification.

(c) Upon the poll list, after the name of each elector, the officials shall enter a
serial number for each elector in the order that votes are cast, beginning with
number one. The officials shall maintain a separate list for electors who are voting
under s. 6.15, 6.29 or 6.55 (2) or (3) and electors who are reassigned from another
polling place under s. 5.25 (5) (b) and shall enter the full name, address, and serial
number of each of these electors on the appropriate separate list. The officials shall
provide each elector with a slip bearing the same serial number as is recorded for the
elector upon the poll list or separate list.

SECTION 61. 6.79 (3) of the statutes is amended to read:

6.79 (3) REFUSAL TO GIVE NAME AND ADDRESS AND FAILURE TO PRESENT
IDENTIFICATION. Except as provided in sub. (6), if any elector offering to vote at any
polling place refuses to give his or her name and address or is unable to present
identification authorized under sub. (2) or have his or her identity and address
corroborated, the elector may not be permitted to vote.

SECTION 62. 6.79 (4) of the statutes is amended to read:

6.79 (4) SUPPLEMENTAL INFORMATION. When any elector provides identification
under sub. (1) or s. 6.15, 6.29 or 6.55 (2) or (3), the election officials shall enter the
type of identification on the poll or registration list, or supplemental list maintained
under sub. (2). If the form of identification includes a number which applies only to
the individual holding that piece of identification, the election officials shall also
enter that number on the list. When any elector corroborates the registration
identity or residence of any person offering to vote under sub. (1) or s. 6.55 (2) (b) or
(c) or (3) the name and address of the corroborator shall also be entered next to the
name of the elector whose information is being corroborated on the registration or poll list, or the separate list maintained under sub. (2). When any person offering to vote has been challenged and taken the oath, following the person’s name on the registration or poll list, the officials shall enter the word “Sworn”.

SECTION 63. 6.79 (5) of the statutes is repealed.

SECTION 64. 6.79 (6) (title) of the statutes is repealed and recreated to read:

6.79 (6) (title) EXCEPTIONS REGARDING IDENTIFICATION.

SECTION 65. 6.79 (6) (a) of the statutes is repealed.

SECTION 66. 6.79 (6) (am) of the statutes is created to read:

6.79 (6) (am) The requirement under sub. (2) that a person present identification or have his or her identity or address corroborated does not apply to a person who is voting under s. 6.15 or 6.55 (2) (b) or (3).

SECTION 67. 6.79 (6) (b) of the statutes is amended to read:

6.79 (6) (b) In municipalities where registration is required, an elector who has a confidential listing under s. 6.47 (2) may present his or her identification card issued under s. 6.47 (3), or may give his or her name and identification serial number issued under s. 6.47 (3), in lieu of stating his or her name and address and presenting identification under sub. (2). If the elector’s name and identification serial number appear on the confidential portion of the list, the inspectors shall issue a voting serial number to the elector, record that number on the registration list and permit the elector to vote.

SECTION 68. 6.82 (1) (a) of the statutes is amended to read:

6.82 (1) (a) When any inspectors are informed that an elector is at the entrance to the polling place who as a result of disability is unable to enter the polling place, they shall permit the elector to be assisted in marking or punching a ballot by any
individual selected by the elector, except the elector’s employer or an agent of that
employer or an officer or agent of a labor organization which represents the elector.
The inspectors shall issue a ballot to the individual selected by the elector and shall
accompany the individual to the polling place entrance where the assistance is to be
given. If the ballot is a paper ballot, the assisting individual shall fold the ballot after
the ballot is marked or punched by the assisting individual. The assisting individual
shall then immediately take the ballot into the polling place and give the ballot to an
inspector. The inspector shall distinctly announce that he or she has “a ballot offered
by ... (stating person’s name), an elector who, as a result of disability, is unable to
enter the polling place without assistance”. The inspector shall then ask, “Does
anyone object to the reception of this ballot?” If no objection is made, the inspectors
shall record the elector’s name under s. 6.79 and deposit the ballot in the ballot box,
and shall make a notation on the registration or poll list: “Ballot received at poll
entrance”.

Section 69. 6.86 (3) (a) of the statutes is amended to read:

6.86 (3) (a) Any elector who is registered, or otherwise qualified where
registration is not required, and who is hospitalized, may apply for and obtain an
official ballot by agent. The agent may apply for and obtain a ballot for the
hospitalized absent elector by presenting a form prescribed by the board and
containing the required information supplied by the hospitalized elector and signed
by that elector and any other elector residing in the same municipality as the
hospitalized elector, corroborating the information contained therein. The
corroborating elector shall state on the form his or her full name and address.

Section 70. 6.88 (3) (a) of the statutes is amended to read:
6.88 (3) (a) Any time between the opening and closing of the polls on election day, the inspectors shall open the carrier envelope only, and announce the name of the absent elector or the identification serial number of the absent elector if the elector has a confidential listing under s. 6.47 (2). When the inspectors find that the certification has been properly executed, the applicant is a qualified elector of the ward or election district, and the applicant has not voted in the election, they shall enter an indication on the poll or registration list next to the applicant’s name indicating an absentee ballot is cast by the elector. They shall then open the envelope containing the ballot in a manner so as not to deface or destroy the certification thereon. The inspectors shall take out the ballot without unfolding it or permitting it to be unfolded or examined. Unless the ballot is cast under s. 6.95, the inspectors shall verify that the ballot has been endorsed by the issuing clerk. The inspectors shall deposit the ballot into the proper ballot box and enter the absent elector’s name or voting number after his or her name on the poll or registration list in the same manner as if the elector had been present and voted in person.

SECTION 71. 6.94 of the statutes is amended to read:

6.94 Challenged elector oath. If the person challenged refuses to answer fully any relevant questions put to him or her by the inspector under s. 6.92, the inspectors shall reject the elector’s vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to the person the following oath or affirmation: “You do solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United States; you are now and for 10 days have been a resident of this ward except under s. 6.02 (2); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this
election; you are not on any other ground disqualified to vote at this election”. If the
person challenged refuses to take the oath or affirmation, the person’s vote shall be
rejected. If the person challenged answers fully all relevant questions put to the
elector by the inspector under s. 6.92, takes the oath or affirmation, and fulfills the
applicable registration requirements, and if the answers to the
questions given by the person indicate that the person meets the voting qualification
requirements, the person’s vote shall be received.

SECTION 72. 6.95 of the statutes is amended to read:

6.95 Voting procedure for challenged electors. Whenever the inspectors
under ss. 6.92 to 6.94 receive the vote of a person offering to vote who has been
challenged, they shall give the elector a ballot. Before depositing the ballot, the
inspectors shall write on the back of the ballot the serial number of the challenged
person corresponding to the number kept at the election on the registration or poll
list, or other list maintained under s. 6.79. If voting machines are used in the
municipality where the person is voting, the person’s vote may be received only upon
an absentee ballot furnished by the municipal clerk which shall have the
serial number from the registration or poll list or other list
maintained under s. 6.79 written on the back of the ballot before the ballot is
deposited. The inspectors shall indicate on the list the reason for the challenge. The
challenged ballots shall be counted under s. 5.85 or 7.51. The municipal board of
canvassers may decide any challenge when making its canvass under s. 7.53. If the
returns are reported under s. 7.60, a challenge may be reviewed by the county board
of canvassers. If the returns are reported under s. 7.70, a challenge may be reviewed
by the chairperson of the board or the chairperson’s designee. The decision of any
board of canvassers or of the chairperson or chairperson’s designee may be appealed
under s. 9.01. The standard for disqualification specified in s. 6.325 shall be used to
determine the validity of challenged ballots.

SECTION 73. 7.08 (1) (c) of the statutes is amended to read:

7.08 (1) (c) Prescribe forms required by ss. 6.24 (3) and (4), 6.30 (4), 6.33 (1),
6.40 (1) (b), 6.47 (1) (a) 2. and (3), 6.55 (2) and (3), 6.79 (5) and 6.86 (2) and (3). All
such forms shall contain a statement of the penalty applicable to false or fraudulent
registration or voting through use of the form. Forms are not required to be furnished
by the board.

SECTION 74. 7.08 (5) of the statutes is created to read:

7.08 (5) TRAINING, EXAMINATION AND QUALIFICATION OF ELECTION OFFICIALS. The
board may, by rule, prescribe standards and procedures for the training,
qualification and examination of election officials.

SECTION 75. 7.08 (6) of the statutes is created to read:

7.08 (6) APPOINTMENT OF SPECIALLY DESIGNATED INSPECTORS. If the board finds
that an inspector has repeatedly and materially failed to substantially comply with
the election laws or rules of the board in performing his or her functions, the board
may remove that inspector and may appoint a qualified individual to fill the vacancy
in the inspector's office, without regard to party affiliation. The specially designated
inspector so appointed shall serve for the remainder of the unexpired term of the
former inspector. A specially designated inspector shall be compensated by the
municipality in which the inspector serves on the same basis as other inspectors, and
shall be supervised by the municipal clerk or board of election commissioners in the
same manner as provided by law for other inspectors.

SECTION 76. 7.08 (7) of the statutes is created to read:
7.08 (7) Appointment of special master. (a) If the board finds that a municipality has repeatedly and materially failed to substantially comply with the election laws or rules of the board in administering elections, the board may appoint a special master to assume all functions of the municipal clerk or board of election commissioners of that municipality with respect to administration of the election laws. The board shall specify in the appointment order the period in which the appointment applies, which may not exceed 12 months. An appointment under this subsection may be renewed for additional periods of not more than 12 months, if the board finds, at the time of renewal, that the municipality served by the special master is incapable of substantial compliance or is unwilling to substantially comply with the election laws or rules of the board. During the period of service of a special master in any municipality, all election officials other than the municipal clerk or board of election commissioners shall continue to hold their offices and positions and exercise their functions, unless the special master removes an official under s. 7.15 (1) (f) or 7.30 (6) (c) or the board removes an official under sub. (6).

(b) The board shall employ the special master outside the classified service. The board shall submit a statement of its reasonable costs incurred under this subsection to the municipal treasurer. The municipal treasurer shall then reimburse the board for those costs within 30 days following receipt of the statement. If the municipality fails to timely reimburse the board, the board may submit a statement to the department of administration indicating the amount of the reimbursement due from the municipality and directing the department to deduct that amount from the next payment made to the municipality under s. 79.02.

Section 77. 7.10 (1) (b) of the statutes is amended to read:
7.10 (1) (b) The county clerk shall supply sufficient poll list blanks for municipalities that do not have elector registration and other election supplies for national, state and county elections to municipalities within the county. The poll list blanks and other election supplies shall be enclosed in the sealed package containing the official ballots and delivered to the municipal clerk.

SECTION 78. 7.10 (7) of the statutes is created to read:

7.10 (7) Registration agent for town clerk. The county clerk shall carry out the registration functions specified in ss. 6.29 (2) and 6.33 (5) (b) for any town clerk who designates the county clerk as the agent of the town clerk under s. 6.33 (5) (b).

SECTION 79. 7.15 (1) (intro.) of the statutes is amended to read:

7.15 (1) Supervise registration and elections. (intro.) Each except as provided in ss. 6.33 (5) (b), 6.36 (1), and 7.08 (7), each municipal clerk has charge and supervision of elections and registration in the municipality. The clerk shall perform the following duties and any others which may be necessary to properly conduct elections or registration:

SECTION 80. 7.15 (1) (c) of the statutes is amended to read:

7.15 (1) (c) Prepare ballots for municipal elections, and distribute ballots and provide other supplies for conducting all elections. The municipal clerk shall deliver poll list forms received from the county clerk to the polling places with the ballots to the polling places before the polls open.

SECTION 81. 7.15 (1) (e) of the statutes is amended to read:

7.15 (1) (e) Instruct except as otherwise required by rules of the board under s. 7.08 (5), determine whether election officials meet the qualifications prescribed by law and whether their conduct is in compliance with the law; instruct election officials in their duties, calling them together whenever advisable; advise them
election officials of changes in laws, rules and procedures affecting the performance of their duties, and administer examinations as authorized under s. 7.30 (2) (c). The clerk shall assure that officials who serve at polling places where an electronic voting system is used are familiar with the system and competent to instruct electors in its proper use. The clerk shall inspect systematically and thoroughly the conduct of elections in the municipality so that elections are honestly, efficiently and uniformly conducted.

**SECTION 82.** 7.15 (4) of the statutes is amended to read:

7.15 (4) Recording electors. After each election where registration is used, the municipal clerk shall make a record of each elector who has voted at the election by stamping or writing the date of the election in the appropriate space on the original registration form of the elector. Municipalities employing data processing may, in lieu of this requirement, record voting information in such a manner that it is readily available for retrieval by computer.

**SECTION 83.** 7.30 (1) of the statutes is amended to read:

7.30 (1) Number. There shall be 7 inspectors for each polling place at each election. In municipalities where voting machines are used, the municipal governing body may reduce the number of inspectors to 5. A municipal governing body may provide for the appointment of additional inspectors whenever more than one voting machine is used or wards are combined under s. 5.15 (6) (b). A municipal governing body may provide by ordinance for the selection of alternate officials or the selection of 2 sets of officials to work at different times on election day. Unless officials are appointed without regard to party affiliation under sub. (4) (c) or unless a specially designated inspector is appointed under s. 7.08 (6), additional officials shall be appointed in such a manner that the total number of officials is an odd number and
the predominant party under sub. (2) is represented by one more official than the other party.

**SECTION 84.** 7.30 (2) of the statutes is amended to read:

7.30 (2) QUALIFICATIONS AND PROCEDURE. (a) **Except as otherwise provided** in s. 7.08 (6), only election officials appointed under this section may conduct an election. **Except as authorized in s. 7.15 (1) (k), each** inspector shall be a qualified elector in the ward or other area for which the polling place is established. Special registration deputies appointed under s. 6.55 (6) and election officials serving more than one ward or when necessary to fill a vacancy under par. (b), and specially designated inspectors under s. 7.08 (6) need not be resident an elector of that ward, or area but, except in the case of specially designated inspectors, shall be resident an elector of the municipality. Special registration deputies may be appointed to serve more than one polling place. All officials shall be able to read and write the English language, be capable, be of good understanding, and may not be a candidate for any office to be voted for at an election at which they serve. In 1st class cities, they may hold no public office other than notary public.

**Except for specially designated inspectors appointed under s. 7.08 (6) and except as authorized under sub. (4) (c),** all inspectors shall be affiliated with one of the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the ward or combination of wards served by the polling place at the last election. The party which received the largest number of votes is entitled to one more inspector than the party receiving the next largest number of votes at each polling place. The same election officials may serve the electors of more than one ward where wards are combined under s. 5.15 (6)
(b) If a municipality is not divided into wards, the ward requirements in this
paragraph apply to the municipality at large.

(b) When a vacancy occurs, the vacancy shall be filled by appointment of the municipal clerk. The vacancy filled by the municipal clerk shall be filled from the remaining names on the lists submitted under sub. (4) or from additional names submitted by the chairperson of the county party committee of the appropriate party under sub. (4) whenever names are submitted under sub. (4) (d). If the vacancy is due to candidacy, sickness or any other temporary cause, the appointment shall be a temporary appointment and effective only for the election at which the temporary vacancy occurs. The same qualifications shall be required of persons who fill vacancies. Vacancies may be filled in cases of emergency or because of time limitations by a person from another aldermanic district or ward within the municipality.

(c) The governing body of any municipality may require all persons serving as election officials to prove their ability to read and write English and to have a general knowledge of the election laws. Examinations may be given to prove the qualifications can be met. Any examinations shall be consistent with rules of the board under s. 7.08 (5).

SECTION 85. 7.30 (4) (b) 2. of the statutes is amended to read:

7.30 (4) (b) 2. In municipalities other than cities and villages located in counties having a population of more than 500,000, the committees organized under s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list containing at least as many names as there are needed appointees from that party. The list shall be submitted by the chairperson of each of the 2 committees to the mayor, president
or chairperson of the municipality. If committees are organized in subdivisions of a
city, the list shall be submitted through the chairperson of the city committee. If
there is no municipal committee, the list shall be submitted by the chairperson of the
county or legislative district committee. Except as provided in par. (c) and except for
specially designated inspectors appointed under s. 7.08 (6), only those persons
submitted by the chairperson of each committee under s. 8.17 may act as election
officials. The chairperson may designate any individual whose name is submitted
as a first choice nominee. The list shall contain the signature of the chairperson and
secretary of the submitting committee. In cities or villages located in counties having
a population of more than 500,000, other than cities where there is a board of election
commissioners, the aldermanic district or village committeeman or
committeewoman for the ward or wards where each polling place is located, if there
is one, shall submit a list containing at least as many names as there are needed
appointees for inspector positions from the party represented by the committeeman
or committeewoman. For appointments of inspectors in cities and villages where
there is no aldermanic district or village committeeman or committeewoman,
nominations shall proceed in the same manner as in municipalities located in
counties having a population of 500,000 or less. The list shall be submitted to the
mayor or president. Except as provided in par. (c) and except for specially designated
inspectors appointed under s. 7.08 (6), only those persons whose names are
submitted as provided in this paragraph may act as election officials. The
committeeman or committeewoman may designate any individual whose name is
submitted as a first choice nominee. The list shall contain the signature of the
aldermanic district or village committeeman or committeewoman or the chairperson
of the appropriate committee. Upon submission of each nominee’s name, the
governing body shall appoint each first choice nominee for so long as positions are available, unless nonappointment is authorized under par. (e), and shall appoint other nominees in its discretion. If any nominee is not appointed, the mayor, president or chairperson of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

SECTION 86. 7.33 (1) (c) of the statutes is amended to read:

7.33 (1) (c) “State agency” has the meaning given under s. 20.001 (1) and includes an authority created under ch. 231, 232, 233 or 234, or 237.

SECTION 87. 7.33 (2) of the statutes is amended to read:

7.33 (2) Service Except as otherwise provided in this subsection, service as an election official under this chapter shall be mandatory upon all qualified electors appointed, during the full 2-year term, after which they shall be exempt from further service as an election official, under this chapter, until 3 terms of 2 years each have elapsed. Municipal clerks may grant exemptions from service at any time. At all times while performing his or her duties, a person serving as an election official shall wear a sticker or badge that indicates the person is an election official and that contains the person’s full name.

SECTION 88. 7.37 (7) of the statutes is amended to read:

7.37 (7) REGISTRATION AND POLL LISTS. Two inspectors shall be assigned to have charge of the registration or poll lists at each election.

SECTION 89. 7.51 (2) (a) of the statutes is amended to read:

7.51 (2) (a) The inspectors shall first compare the poll or registration lists, correcting any mistakes until the poll or registration lists agree. The chief inspector and the inspectors who are responsible for recording electors under s. 6.79 shall
verify the correctness of the poll or registration lists after the polls close by each signing their name thereto. Where ballots are distributed to electors, the inspectors shall then open the ballot box and remove and count the number of ballots therein without examination except as is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear as a single ballot, the inspectors shall lay them aside until the count is completed; and if, after a comparison of the count and the appearance of the ballots it appears to a majority of the inspectors that the ballots folded together were voted by the same person they may not be counted but the inspectors shall mark them as to the reason for removal, set them aside and carefully preserve them. The inspectors shall then proceed under par. (b).

**SECTION 90.** 7.51 (2) (c) of the statutes is amended to read:

7.51 (2) (c) Whenever the number of ballots exceeds the number of voting electors as indicated on the poll or registration list, the inspectors shall place all ballots face up to check for blank ballots. In this paragraph, “blank ballot” means a ballot on which no votes are cast for any office or question. The inspectors shall mark, lay aside and preserve any blank ballots. If the number of ballots still exceeds the number of voting electors, the inspectors shall place all ballots face down and proceed to check for the initials. The inspectors shall mark, lay aside and preserve any ballot not bearing the initials of 2 inspectors or any absentee ballot not bearing the initials of the municipal clerk. During the count the inspectors shall count those ballots cast by challenged electors the same as the other ballots.

**SECTION 91.** 7.51 (2) (e) of the statutes is amended to read:

7.51 (2) (e) If, after any ballots have been laid aside, the number of ballots still exceeds the total number of electors recorded on the registration or poll list, the inspectors shall separate the absentee ballots from the other ballots. If there is an
excess number of absentee ballots, the inspectors shall place the absentee ballots in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of absentee ballots. If there is an excess number of other ballots, the inspectors shall place those ballots in the ballot box and one of the inspectors shall publicly and without examination draw therefrom by chance the number of ballots equal to the excess number of those ballots. All ballots so removed may not be counted but shall be specially marked as having been removed by the inspectors on original canvass due to an excess number of ballots, set aside and preserved. When the number of ballots and total shown on the poll or registration list agree, the inspectors shall return all ballots to be counted to the ballot box and shall turn the ballot box in such manner as to thoroughly mix the ballots. The inspectors shall then open, count and record the number of votes. When the ballots are counted, the inspectors shall separate them into piles for ballots similarly voted. Objections may be made to placement of ballots in the piles at the time the separation is made.

SECTION 92. 7.51 (4) (a) of the statutes is amended to read:

7.51 (4) (a) The tally sheets shall state the total number of votes cast for each office and for each individual receiving votes for that office, whether or not the individual’s name appears on the ballot, and shall state the vote for and against each proposition voted on. Upon completion of the tally sheets, the inspectors shall immediately complete inspectors’ statements in duplicate. The inspectors shall state the excess by which the number of ballots exceeds the number of electors voting as shown by the poll or registration list, if any, and shall state the number of the last elector as shown by the registration or poll lists. At least 3 inspectors, including the chief inspector and, unless election officials are appointed under s. 7.30 (4) (c)
without regard to party affiliation, at least one inspector representing each political
district, shall then certify to the correctness of the statements and tally sheets and sign
their names. All other election officials assisting with the tally shall also certify to
the correctness of the tally sheets. When the tally is complete, the inspectors shall
publicly announce the results from the statements.

**SECTION 93.** 7.51 (5) of the statutes is amended to read:

7.51 (5) **RETURNS.** The inspectors shall make full and accurate return of the
votes cast for each candidate and proposition on tally sheet blanks provided by the
municipal clerk for the purpose. Each tally sheet shall record the returns for each
office or referendum by ward, unless combined returns are authorized in accordance
with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
of combined wards. After recording the votes, the inspectors shall seal in a carrier
envelope outside the ballot bag or container one inspectors’ statement under sub. (4)
(a), one tally sheet and one poll or registration list for delivery to the county clerk,
unless the election relates only to municipal or school district offices or referenda.
The inspectors shall also similarly seal one inspectors’ statement, one tally sheet and
one poll or registration list for delivery to the municipal clerk. For school district
elections, except in 1st class cities, the inspectors shall similarly seal one inspectors’
statement, one tally sheet and one poll or registration list for delivery to the school
district clerk. The inspectors shall immediately deliver all ballots, statements, tally
sheets, lists and envelopes to the municipal clerk. The municipal clerk shall arrange
for delivery of all ballots, statements, tally sheets, lists and envelopes relating to a
school district election to the school district clerk. The municipal clerk shall deliver
the ballots, statements, tally sheets, lists and envelopes for his or her municipality
relating to any county, technical college district, state or national election to the
county clerk by 2 p.m. on the day following each such election. The person delivering
the returns shall be paid out of the municipal treasury. Each clerk receiving ballots,
statements, tally sheets or envelopes shall retain them until destruction is
authorized under s. 7.23 (1).

SECTION 94. 9.01 (1) (b) 1. of the statutes is amended to read:
9.01 (1) (b) 1. The board of canvassers shall first compare the registration or
poll lists and determine the number of voting electors.

SECTION 95. 10.02 (3) (a) of the statutes is amended to read:
10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
an elector shall give state his or her name and address before being permitted to vote
and shall present identification or have his or her identification corroborated as
required by law. Where ballots are distributed to electors, the initials of 2 inspectors
must appear on the ballot. Upon being permitted to vote, the elector shall retire
alone to a voting booth or machine and cast his or her ballot, except that an elector
who is a parent or guardian may be accompanied by the elector’s minor child or minor
ward. An election official may inform the elector of the proper manner for casting
a vote, but the official may not in any manner advise or indicate a particular voting
choice.

SECTION 96. 12.13 (2) (b) 9. of the statutes is created to read:
12.13 (2) (b) 9. Fail to exercise due care to lawfully register an elector to vote.

SECTION 97. 12.60 (1) (bm) of the statutes is created to read:
12.60 (1) (bm) Whoever violates s.12.13 (2) (b) 9. may be required to forfeit not
more than $1,000.

SECTION 98. 13.101 (4) of the statutes is amended to read:
13.101 (4) The committee may transfer between appropriations and programs
if the committee finds that unnecessary duplication of functions can be eliminated,
more efficient and effective methods for performing programs will result or
legislative intent will be more effectively carried out because of such transfer, if
legislative intent will not be changed as the result of such transfer and the purposes
for which the transfer is requested have been authorized or directed by the
legislature, or to implement s. 16.847 (8) (b) 3. The authority to transfer between
appropriations includes the authority to transfer between 2 fiscal years of the same
biennium, between 2 appropriations of the same agency and between an
appropriation of one agency and an appropriation of a different agency. No transfer
between appropriations or programs may be made to offset deficiencies arising from
the lack of adequate expenditure controls by a department, board, institution,
commission or agency. The authority to transfer between appropriations shall not
include the authority to transfer from sum sufficient appropriations as defined under
s. 20.001 (3) (d) to other types of appropriations.

SECTION 99. 13.101 (6) (a) of the statutes is amended to read:

13.101 (6) (a) As an emergency measure necessitated by decreased state
revenues and to prevent the necessity for a state tax on general property, the
committee may reduce any appropriation made to any board, commission,
department, or the University of Wisconsin System, or to any other state agency or
activity, by such amount as it deems feasible, not exceeding 25% of the
appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
(cr) and (q), 20.395 (1), (2) (cq), (eq) to (ex) (fq) to (fx), and (gq) to (gx), (3), (4) (aq) to
(ax), and (6) (aq) and (ar), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for
forestry purposes under s. 20.370 (1), or any other moneys distributed to any county,
city, village, town, or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

**SECTION 100.** 13.101 (14) of the statutes is amended to read:

13.101 (14) With the concurrence of the joint committee on information policy and technology, direct the department of administration to report to the committee concerning any specific information technology system project in accordance with s. 13.58 (5) (b) 4.

**SECTION 101.** 13.106 (2) of the statutes is amended to read:

13.106 (2) The Medical College of Wisconsin and the University of Wisconsin–Madison Medical School shall submit a biennial report containing financial summaries for the college and school to the governor and the joint committee on finance, in a consistent format and methodology to be developed in consultation with the medical education review committee under s. 39.16.

**SECTION 102.** 13.123 (1) (a) 1. of the statutes is amended to read:

13.123 (1) (a) 1. Any member of the legislature who has signified, by affidavit filed with the department of administration, the necessity of establishing a temporary residence at the state capital for the period of any regular or special
legislative session shall be entitled to an allowance for expenses incurred for food and
lodging for each day that he or she is in Madison on legislative business, but not
including any Saturday or Sunday unless the legislator is in actual attendance on
such day at a session of the legislature or a meeting of a standing committee of which
the legislator is a member. The amount of the allowance for each biennial session
shall be established under s. 20.916 (8) 90% of the per diem rate for travel for federal
government business within the city of Madison, as established by the federal
general services administration. For the purpose of determining the amount of the
allowance, the secretary of employment relations shall certify to the chief clerk of
each house the federal per diem rate in effect on December 1, or the first business day
thereafter if December 1 is not a business day, in each even-numbered year. Each
legislator shall file an affidavit with the chief clerk of his or her house certifying the
specific dollar amount within the authorized allowance the member wishes to
receive. Such affidavit, when filed, shall remain in effect for the biennial session,
except that a new affidavit may be filed for any month following an adjustment in
the amount of the authorized allowance under s. 20.916 (8).

SECTION 103. 13.40 of the statutes is created to read:

13.40 Limitation on state appropriations from general purpose
revenue. (1) In this section:

(a) “Fiscal biennium” means a 2-year period beginning on July 1 of an
odd-numbered year.

(b) “General purpose revenue” has the meaning given for “general purpose
revenues” in s. 20.001 (2) (a).

(2) Except as provided in sub. (3), the amount appropriated from general
purpose revenue for each fiscal biennium, excluding any amount under an
appropriation specified in sub. (3) (a) to (h), as determined under sub. (4), may not exceed the sum of:

(a) The amount appropriated from general purpose revenue, excluding any amount under an appropriation specified in sub. (3), for the 2nd fiscal year of the prior fiscal biennium as determined under sub. (4), multiplied by the sum of 1.0 and the annual percentage change in this state’s aggregate personal income, expressed as a decimal, for the calendar year that begins on the January 1 which immediately precedes the first year of the fiscal biennium, as estimated by the department of revenue no later than December 5 of each even-numbered year.

(b) The amount determined under par. (a) multiplied by the sum of 1.0 and the annual percentage change in this state’s aggregate personal income, expressed as a decimal, for the calendar year that begins on the January 1 which immediately precedes the 2nd year of the fiscal biennium, as estimated by the department of revenue no later than December 5 of each even-numbered year.

(3) The limitation under sub. (2) does not apply to any of the following:

(a) An appropriation for principal repayment and interest payments on public debt, as defined in s. 18.01 (4), or operating notes, as defined in s. 18.71 (4).

(b) An appropriation to honor a moral obligation undertaken pursuant to ss. 18.61 (5), 85.25 (5), 101.143 (9m) (i), 229.50 (7), 229.74 (7), 229.830 (7), 234.15 (4), 234.42 (4), 234.54 (4) (b), 234.626 (7), 234.93 (6), 234.932 (6), 234.933 (6), and 281.59 (13m).

(c) An appropriation to make a payment to the United States that the building commission determines to be payable under s. 13.488 (1) (m).

(d) An appropriation contained in a bill that is enacted with approval of at least two-thirds of the members of each house of the legislature.
(e) An appropriation for legal expenses and the costs of judgments, orders, and settlements of actions and appeals incurred by the state.

(f) An appropriation to make a payment for tax relief under s. 20.835 (2).

(g) An appropriation to make a transfer from the general fund to the budget stabilization fund under s. 20.875 (1) (a).

(h) An appropriation to make a transfer from the general fund to the tax relief fund under s. 20.876 (1) (a).

(4) For purposes of sub. (2), the department of administration shall determine the amount appropriated from general purpose revenue for any fiscal biennium to which sub. (2) applies. The department of administration shall make this determination no later than December 31 of each even-numbered year and shall include a statement of the determination in the biennial state budget report prepared under s. 16.46.

SECTION 104. 13.48 (2) (j) of the statutes is repealed.

SECTION 105. 13.48 (10) (b) 3m. of the statutes is created to read:

13.48 (10) (b) 3m. Rehabilitation projects of the Fox River Navigational System Authority.

SECTION 106. 13.48 (12) (b) 4. of the statutes is created to read:

13.48 (12) (b) 4. A facility constructed by or for the Fox River Navigational System Authority.

SECTION 107. 13.48 (13) (a) of the statutes is amended to read:

13.48 (13) (a) Except as provided in par. (b) or (c), every building, structure or facility that is constructed for the benefit of or use of the state, any state agency, board, commission or department, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, or any local professional
baseball park district created under subch. III of ch. 229 if the construction is undertaken by the department of administration on behalf of the district, shall be in compliance with all applicable state laws, rules, codes and regulations but the construction is not subject to the ordinances or regulations of the municipality in which the construction takes place except zoning, including without limitation because of enumeration ordinances or regulations relating to materials used, permits, supervision of construction or installation, payment of permit fees, or other restrictions.

**SECTION 108.** 13.48 (14) (e) of the statutes is amended to read:

13.48 (14) (e) If the state office building located at 3319 West Beltline Highway in Dane County is sold by the state, the building commission shall ensure that the transferee pays $476,228 from the proceeds of the sale to the Wisconsin Public Broadcasting Foundation, if the foundation exists at the time of the transfer and if the secretary of administration does not transfer title to the building under s. 39.86 (2) (a) 2.

**SECTION 109.** 13.58 (5) (a) 5. of the statutes is amended to read:

13.58 (5) (a) 5. Upon receipt of strategic plans from the department of administration electronic government, the joint committee on legislative organization and the director of state courts, review and transmit comments concerning the plans to the entities submitting the plans.

**SECTION 110.** 13.58 (5) (b) 1. of the statutes is amended to read:

13.58 (5) (b) 1. Direct the subunit in the department of administration with policy-making responsibility related to information technology electronic government to conduct studies or prepare reports on items related to the committee's duties under par. (a).
SECTION 111. 13.58 (5) (b) 4. (intro.) of the statutes is amended to read:

13.58 (5) (b) 4. (intro.) With the concurrence of the joint committee on finance, direct the department of administration electronic government to report semiannually to the committee and the joint committee on finance concerning any specific information technology system project which is being designed, developed, tested or implemented and which the committees anticipate will have a total cost to the state exceeding $1,000,000 in the current or any succeeding fiscal biennium. The report shall include all of the following:

SECTION 112. 13.62 (2) of the statutes is amended to read:

13.62 (2) “Agency” means any board, commission, department, office, society, institution of higher education, council or committee in the state government, or any authority created in ch. 231, 232, 233 or, 234, or 237, except that the term does not include a council or committee of the legislature.

SECTION 113. 13.90 (6) of the statutes is amended to read:

13.90 (6) The joint committee on legislative organization shall adopt, revise biennially and submit to the cochairpersons of the joint committee on information policy and technology, the governor and the secretary of administration chief information officer, no later than September 15 of each even-numbered year, a strategic plan for the utilization of information technology to carry out the functions of the legislature and legislative service agencies, as defined in s. 16.70 (6). The plan shall address the business needs of the legislature and legislative service agencies and shall identify all resources relating to information technology which the legislature and legislative service agencies desire to acquire, contingent upon funding availability, the priority for such acquisitions and the justification for such
acquisitions. The plan shall also identify any changes in the functioning of the
legislature and legislative service agencies under the plan.

**SECTION 114.** 13.93 (2) (h) of the statutes is amended to read:

13.93 (2) (h) Approve specifications and scheduling for computer databases
containing the Wisconsin statutes and for the printing of the Wisconsin statutes as
prescribed in ss. 16.971 22.03 (6) and 35.56 (5).

**SECTION 115.** 13.95 (1m) of the statutes is created to read:

13.95 (1m) DUTIES OF THE BUREAU; BIENNIAL BUDGET BILL. (a) In this subsection,
“version of the biennial budget bill or bills” means the executive biennial budget bill
or bills, as modified by an amendment offered by the joint committee on finance, as
engrossed by the first house, as concurred in and amended by the 2nd house or as
nonconcurred in by the 2nd house, or as reported by any committee on conference.

(b) The legislative fiscal bureau shall prepare a statement of estimated general
purpose revenue receipts and expenditures in the biennium following the succeeding
biennium based on recommendations in each version of the biennial budget bill or
bills. The statement shall contain all of the following:

1. For the 2nd year of the succeeding biennium, a comparison of the following:
   a. The amount of moneys projected to be deposited in the general fund during
      the fiscal year that are designated as “Revenues and Transfers” in the summary in
      s. 20.005 (1), as published in each version of the biennial budget bill or bills, less the
      amount designated as the “Opening Balance” in the summary, and adjusted by any
      one–time deposit of revenues in the general fund.
   b. The amount of moneys designated as “Total Expenditures” in the summary
      in s. 20.005 (1), as published in each version of the biennial budget bill or bills,
adjusted by any one-time expenditure of general purpose revenue in excess of $5,000,000.

2. An estimate of the cost of any provision in each version of the biennial budget bill or bills that would, without the enactment of subsequent legislation, increase general purpose revenue expenditures or that would decrease the amount of revenues deposited in the general fund in the biennium following the succeeding biennium.

3. a. An estimate of the increase in general purpose revenue spending that will be required in the biennium following the succeeding biennium for all of the following: general equalization school aids; appropriations to the department of corrections; the medical assistance program under subch. IV of ch. 49; the amount designated as “Compensation Reserves” in the summary under s. 20.005 (1), as printed in the revised schedule that is approved under s. 20.004 (2) for that fiscal biennium; and public debt contracted under subchs. I and IV of ch. 18.

b. For the purpose of making the calculation under subd. 3. a., the bureau shall assume that the increase in general purpose revenue spending between the succeeding biennium and the biennium following the succeeding biennium for each of the items identified in subd. 3. a. is the same as that between the current biennium and the succeeding biennium for these items, as proposed in each version of the biennial budget bill or bills.

4. An estimate of the difference between the amount of tax revenues that will be deposited in the general fund in the biennium following the succeeding biennium and the amount of tax revenues that are deposited in the general fund in the succeeding biennium. For the purpose of making this calculation, the bureau shall:
a. Assume that the amount of tax revenues that are deposited in the general fund in the succeeding biennium is the amount designated as “Taxes” in the summary in s. 20.005 (1), as published in each version of the biennial budget bill or bills.

b. Assume that the annual increase in tax revenues that are deposited in the general fund in each fiscal year of the biennium following the succeeding biennium is the average of the annual increase for each of the 10 preceding fiscal years.

c. Adjust the estimate of the amount of tax revenues that are deposited in the general fund in the biennium following the succeeding biennium by any provision in each version of the biennial budget bill or bills that would affect the amount of tax revenues that are deposited in the general fund in the biennium.

5. a. A comparison of the following: the amount of moneys that are designated as “Revenues and Transfers” in the summary in s. 20.005 (1), as published in each version of the biennial budget bill or bills, and that are available for appropriation in the 2nd year of the succeeding biennium; and an amount that equals the sum of the amount of moneys designated as “Total Expenditures” in the summary in s. 20.005 (1), as published in each version of the biennial budget bill or bills, for the 2nd year of the succeeding biennium and the amount required to fund the increase in general purpose revenue spending in the biennium following the succeeding biennium for each of the items identified in subd. 3. a.

b. The bureau shall present this comparison in the format used for the statement of the condition of the general fund in the statement prepared under s. 20.005 (1).
6. A summary of the amount of additional general purpose revenues that will be available in the biennium following the succeeding biennium for increased expenditures or tax reductions, other than the amount calculated in subd. 4.

**SECTION 116.** 14.015 (2) of the statutes is created to read:

14.015 (2) CHILDREN'S CABINET BOARD. There is created a children's cabinet board that is attached to the office of the governor under s. 15.03. The board shall consist of the governor, the state superintendent of public instruction, the secretary of administration, the secretary of health and family services, and the secretary of workforce development. When not in conflict with s. 17.025, s. 15.07 applies to the children's cabinet board, except that the governor shall serve as chairperson of the children's cabinet board.

**SECTION 117.** 14.019 (2) of the statutes is amended to read:

14.019 (2) EFFECT OF APPROPRIATION. Subsection (1) continues to apply to any nonstatutory committee created by the governor even if a part of its expenses is later defrayed from state funds, whether under the general appropriation of s. 20.505 (3) (a) (4) (ba) or under an appropriation enacted specifically for the purposes of such committee.

**SECTION 118.** 14.019 (4) of the statutes is amended to read:

14.019 (4) PROGRAM FEES. The governor may authorize any committee created under this section to charge a fee for materials and services provided by it in the course of carrying out its responsibilities. The fee may not exceed the actual cost of the materials or services provided. All fees shall be deposited in credited to the appropriation account for the appropriation made under s. 20.505 (3) (4) (h).

**SECTION 119.** 14.20 (1) (a) of the statutes is amended to read:
14.20 (1) (a) “Local governmental unit” has the meaning given in s. 16.97 22.01 (7).

SECTION 120. 14.25 of the statutes is created to read:

14.25 Children’s cabinet board. (1) DEFINITIONS. In this section:

(a) “Board” means the children’s cabinet board.

(b) “Local consortium” means a combination of individuals, public agencies, nonprofit corporations, for-profit organizations, federally recognized American Indian tribes or bands, or other persons who have agreed to participate in a joint effort to provide a model for the delivery of programs for children as described in sub. (3) (a).

(c) “Nonprofit corporation” means a nonstock corporation that is organized under ch. 181 and that is a nonprofit corporation, as defined in s. 181.0103 (17).

(d) “Public agency” means a county, city, village, town, or school district or an agency of this state or of a county, city, village, town, or school district.

(2) DUTIES. The board shall do all of the following:

(a) Make recommendations to the governor and the legislature relating to changes needed in state programs, policies, and funding levels to improve the coordination among state agencies of programs for children and to streamline the delivery of those programs and, by September 1 of each even-numbered year, submit a report of those recommendations to the appropriate standing committees of the legislature under s. 13.172 (3) and to the governor.

(b) Administer the grant program under sub. (3).

(c) Prescribe an assessment to be paid by the department of administration, the department of public instruction, the department of health and family services, and the department of workforce development for the general program operations of the
board, which assessment shall be payable to the office of the governor within a time and in accordance with a procedure specified by the board and credited to the appropriation account under s. 20.525 (1) (kd).

(3) Grants to local consortia. (a) From the appropriation under s. 20.525 (1) (fr), the board shall award grants to local consortia to develop models for the delivery of programs for children who are at risk of not being ready to learn when they enter kindergarten or who are at risk of facing barriers to learning while in school. A local consortium that is awarded a grant under this paragraph shall use the grant moneys awarded to develop a model for the delivery of those programs that conforms to the specifications prescribed by the board under par. (b) 1. and that is designed to accomplish all of the following:

1. Create closer links between school districts, human service providers, and other community-based providers of programs for children.

2. Enable children who are at risk of not being ready to learn when they enter kindergarten to be ready to learn when they enter kindergarten and children who are at risk of facing barriers to learning while in school to overcome those barriers.

3. Focus on providing services on a voluntary basis to children under 5 years of age and their families, but also provide services to children and their families, as needed, throughout the elementary and high school grades.

4. Meet the performance measures specified by the board under par. (b) 2.

(b) In administering the grant program under this subsection, the board shall do all of the following:

1. Prescribe specifications for the types of program delivery models that a local consortium may develop under a grant under par. (a) that permit a variety of program delivery models to be provided.
2. Prescribe a set of performance measures that a program delivery model developed under a grant under par. (a) must be designed to meet.

3. Require a local consortium that applies for a grant under par. (a) to designate a fiscal agent to receive, manage, and account for the grant moneys awarded.

SECTION 121. 14.26 (7) of the statutes is repealed.

SECTION 122. 14.28 of the statutes is repealed.

SECTION 123. 14.63 (3) (a) of the statutes is repealed and recreated to read:

14.63 (3) (a) An individual, trust, legal guardian, or entity described under 26 USC 529 (e) (1) (C) may enter into a contract with the state treasurer for the sale of tuition units on behalf of a beneficiary.

SECTION 124. 14.63 (6) (b) of the statutes is amended to read:

14.63 (6) (b) The state treasurer may terminate a contract under sub. (3) if any of the tuition units purchased under the contract remain unused 10 years after the anticipated academic year of the beneficiary’s initial enrollment in an institution of higher education, as specified in the contract.

SECTION 125. 14.64 (1) (a) of the statutes is amended to read:

14.64 (1) (a) “Account owner” means an individual who establishes a college savings account under this section.

SECTION 126. 14.64 (3) (e) of the statutes is amended to read:

14.64 (3) (e) The board may terminate a college savings account if any portion of the college savings account balance remains unused 10 years after the anticipated academic year of the beneficiary’s initial enrollment in an eligible educational institution.

SECTION 127. 14.90 (2) of the statutes is amended to read:
14.90 (2) The members of the commission shall serve without compensation but shall be reimbursed from the appropriation under s. 20.505 (3) (a) (4) (ba) for actual and necessary expenses incurred in the performance of their duties. The commission has the powers granted and the duties granted and imposed under s. 39.80.

SECTION 128. 14.90 (3) of the statutes is amended to read:

14.90 (3) From the appropriation under s. 20.505 (3) (a) (4) (ba), the department of administration shall pay the costs of membership in and costs associated with the midwestern higher education compact.

SECTION 129. 15.01 (2) of the statutes is amended to read:

15.01 (2) “Commission” means a 3-member governing body in charge of a department or independent agency or of a division or other subunit within a department, except for the Wisconsin waterways commission which shall consist of 5 members, the parole commission which shall consist of 6 members and the Fox River management commission which shall consist of 7 members, and the parole commission, which shall consist of 6 members, except that during the period from the effective date of this subsection .... [revisor inserts date], until June 30, 2003, the parole commission shall consist of 8 members. A Wisconsin group created for participation in a continuing interstate body, or the interstate body itself, shall be known as a “commission”, but is not a commission for purposes of s. 15.06. The parole commission created under s. 15.145 (1) shall be known as a “commission”, but is not a commission for purposes of s. 15.06.

SECTION 130. 15.01 (4) of the statutes, as affected by 1999 Wisconsin Act 9, section 12n, is repealed and recreated to read:
15.01 (4) “Council” means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government, except the Milwaukee River revitalization council has the powers and duties specified in s. 23.18, the council on physical disabilities has the powers and duties specified in s. 46.29 (1) and (2), and the state council on alcohol and other drug abuse has the powers and duties specified in s. 14.24.

SECTION 131. 15.06 (1) (e) of the statutes is repealed.

SECTION 132. 15.06 (3) (a) 4. of the statutes is repealed.

SECTION 133. 15.07 (1) (b) 16. of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

SECTION 134. 15.07 (1) (b) 21. of the statutes is created to read:

15.07 (1) (b) 21. The public broadcasting transitional board. This subdivision does not apply after the first day of the 36th month beginning after the effective date of this subdivision .... [revisor inserts date].

SECTION 135. 15.07 (2) (L) of the statutes is created to read:

15.07 (2) (L) The governor shall serve as chairperson of the information technology management board and the chief information officer shall serve as vice chairperson of that board.

SECTION 136. 15.07 (3) (bm) 4. of the statutes is created to read:

15.07 (3) (bm) 4. The information technology management board shall meet at least 4 times each year and may meet at other times on the call of the chairperson.

SECTION 137. 15.103 (3) of the statutes is repealed.

SECTION 138. 15.103 (5) of the statutes is repealed.

SECTION 139. 15.105 (3) of the statutes is amended to read:
15.105 (3) DEPOSITORY SELECTION BOARD. There is created a depository selection board which is attached to the department of administration under s. 15.03. The depository selection board shall consist of the state treasurer, the secretary of administration, and the executive director of the investment board or their designees.

SECTION 140. 15.105 (8) of the statutes is created to read:

15.105 (8) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. There is created a board on education evaluation and accountability, attached to the department of administration under s. 15.03, consisting of 5 members appointed for 4-year terms. At least one member shall be experienced in education evaluation and assessment.

SECTION 141. 15.105 (16) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

SECTION 142. 15.105 (24) (title) of the statutes is renumbered 15.225 (4) (title).

SECTION 143. 15.105 (24) (a) of the statutes is renumbered 15.225 (4) (a) and amended to read:

15.225 (4) (a) Creation. There is created a national and community service board which is attached to the department of administration under s. 15.03.

SECTION 144. 15.105 (24) (b) of the statutes is renumbered 15.225 (4) (b).

SECTION 145. 15.105 (24) (c) (intro.) of the statutes is renumbered 15.225 (4) (c) (intro.).

SECTION 146. 15.105 (24) (c) 1. of the statutes is renumbered 15.225 (4) (c) 1.

SECTION 147. 15.105 (24) (c) 2. of the statutes is renumbered 15.225 (4) (c) 2.

SECTION 148. 15.105 (24) (c) 3. of the statutes is renumbered 15.225 (4) (c) 3.
SECTION 149. 15.105 (24) (c) 4. of the statutes is renumbered 15.225 (4) (c) 4.

SECTION 150. 15.105 (24) (c) 4m. of the statutes is renumbered 15.225 (4) (c) 4m. and amended to read:

15.225 (4) (c) 4m. The secretary of [administration workforce development or] his or her designee.

SECTION 151. 15.105 (24) (c) 5. of the statutes is renumbered 15.225 (4) (c) 5.

SECTION 152. 15.105 (24) (c) 6. of the statutes is renumbered 15.225 (4) (c) 6.

SECTION 153. 15.105 (24) (c) 7. of the statutes is renumbered 15.225 (4) (c) 7.

SECTION 154. 15.105 (24) (c) 8. of the statutes is renumbered 15.225 (4) (c) 8.

SECTION 155. 15.105 (24) (c) 9. of the statutes is renumbered 15.225 (4) (c) 9.

SECTION 156. 15.105 (24) (c) 10. of the statutes is renumbered 15.225 (4) (c) 10.

SECTION 157. 15.105 (24) (d) of the statutes is renumbered 15.225 (4) (d).

SECTION 158. 15.105 (24) (e) of the statutes is renumbered 15.225 (4) (e).

SECTION 159. 15.105 (25) (bm) of the statutes is amended to read:

15.105 (25) (bm) A member of the educational communications board. If the secretary of [administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation, as defined in s. 39.81 (2), this paragraph does not apply on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a).

SECTION 160. 15.105 (25) (c) of the statutes is amended to read:

15.105 (25) (c) Four or, if the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting
corporation, as defined in s. 39.81 (2), on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a), 5 other members.

SECTION 161. 15.107 (6) of the statutes is repealed.

SECTION 162. 15.107 (7) (f) of the statutes is amended to read:

15.107 (7) (f) A representative of the unit in the department of administration that deals with information technology electronic government.

SECTION 163. 15.107 (16) (b) 14. of the statutes is created to read:

15.107 (16) (b) 14. One member who is a representative from a public utility.

SECTION 164. 15.107 (16) (b) 15. of the statutes is created to read:

15.107 (16) (b) 15. One member who represents a professional land information organization.

SECTION 165. 15.107 (16) (b) 16. of the statutes is created to read:

15.107 (16) (b) 16. One member who is nominated by a statewide association whose purposes include support of a network of statewide land information systems.

SECTION 166. 15.107 (16) (d) of the statutes is amended to read:

15.107 (16) (d) Terms, chairperson. The members listed under par. (b) 8. to 13. shall be appointed for 5–year terms. The governor shall appoint the chairperson of the council, who shall serve at the pleasure of the governor.

SECTION 167. 15.107 (16) (e) of the statutes is repealed.

SECTION 168. 15.137 (1) of the statutes is created to read:

15.137 (1) AGRICULTURAL PRODUCER SECURITY COUNCIL. (a) There is created in the department of agriculture, trade and consumer protection an agricultural producer security council consisting of the following members appointed by the secretary of agriculture, trade and consumer protection for 3–year terms:
1. One person representing the Farmers’ Educational and Cooperative Union of America, Wisconsin Division.

2. One person representing the Midwest Food Processors Association, Inc.

3. One person representing the National Farmers’ Organization, Inc.

4. One person representing the Wisconsin Agri-Service Association, Inc.

5. One person representing the Wisconsin Cheese Makers Association.

6. One person representing both the Wisconsin Corn Growers Association, Inc., and the Wisconsin Soybean Association, Inc.

7. One person representing the Wisconsin Dairy Products Association, Inc.

8. One person representing the Wisconsin Farm Bureau Federation.

9. One person representing the Wisconsin Federation of Cooperatives.

10. One person representing the Wisconsin Potato and Vegetable Growers Association, Inc.

(b) Each organization identified in par. (a) shall nominate 2 persons to represent that organization on the agricultural producer security council. The secretary of agriculture, trade and consumer protection shall appoint members from among the nominees.

**SECTION 169.** 15.145 (1) of the statutes is amended to read:

15.145 (1) **PAROLE COMMISSION.** There is created in the department of corrections a parole commission **consisting of 6, which shall consist of 6 members,** except that during the period from the effective date of this subsection .... [revisor inserts date], until June 30, 2003, the parole commission shall consist of 8 members. Members shall have knowledge of or experience in corrections or criminal justice. The members shall include a chairperson who is nominated by the governor, and with the advice and consent of the senate appointed, for a 2-year term expiring
March 1 of the odd-numbered years, subject to removal under s. 17.07 (3m), and 5
the remaining members in the classified service appointed by the chairperson.

SECTION 170. 15.157 (3) of the statutes is amended to read:

15.157 (3) DWELLING CODE COUNCIL. There is created in the department of
commerce, a dwelling code council, consisting of 17 members appointed for
staggered 3-year terms. Four members shall be representatives of building trade
labor organizations; 4 members shall be certified building inspectors employed by
local units of government; 2 members shall be representatives of building contractors
actively engaged in on-site construction of one- and 2-family housing; 2 members
shall be representatives of manufacturers or installers of manufactured one- and
2-family housing; one member shall be an architect, engineer or designer actively
engaged in the design or evaluation of one- and 2-family housing; 2 members shall
represent the construction material supply industry; one member shall represent
remodeling contractors actively engaged in the remodeling of one-family and
2-family housing; and 2 members shall represent the public, one of whom shall
represent persons with disabilities, as defined in s. 106.50 (1m) (g). An employee of
the department designated by the secretary of commerce shall serve as nonvoting
secretary of the council. The council shall meet at least twice a year. Eleven members
of the council shall constitute a quorum. For the purpose of conducting business a
majority vote of the council is required.

SECTION 171. 15.157 (8) (intro.) of the statutes is amended to read:

15.157 (8) RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the
department of commerce a rural health development council consisting of 11 members nominated by the governor, and with the advice and consent of the senate
appointed, for 5-year terms, and the secretaries of commerce and health and family
services, or their designees. The appointed members shall include all of the following:

**SECTION 172.** 15.157 (8) (g) of the statutes is amended to read:

15.157 (8) (g) A physician licensed under ch. 448, a dentist licensed under ch. 447, and a nurse licensed under ch. 441, both all of whom practice in a rural area, and a representative of public health services.

**SECTION 173.** 15.157 (11) of the statutes is repealed.

**SECTION 174.** 15.195 (5) of the statutes is renumbered 15.105 (11) and amended to read:

15.105 (11) **ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES BOARD.** There is created an adolescent pregnancy prevention and pregnancy services board which is attached to the department of health and family services administration under s. 15.03. The board shall consist of 13 members. Notwithstanding s. 15.07 (2) (intro.), one member shall be the executive director of the women’s council under s. 16.01, who shall be a nonvoting member and shall serve permanently as chairperson of the board. Six members shall be state employees who are appointed for membership by the women’s council and shall be nonvoting members. The remaining 6 members shall be appointed for 3-year terms, shall represent an equal balance of points of view on pregnancy prevention and pregnancy services and shall be persons who are nominated for membership by statewide organizations that together represent an equal balance of points of view on pregnancy prevention and pregnancy services.

**SECTION 175.** 15.21 of the statutes is created to read:

15.21 **Department of electronic government; creation.** There is created a department of electronic government under the direction and supervision of the
secretary of electronic government, who shall be known as the “chief information
officer.”

**SECTION 176.** 15.215 of the statutes is created to read:

15.215 Same; attached boards. (1) INFORMATION TECHNOLOGY MANAGEMENT
BOARD. There is created an information technology management board which is
attached to the department of electronic government under s. 15.03. The board shall
consist of the governor, the chief information officer, the secretary of administration,
2 heads of departments or independent agencies appointed to serve at the pleasure
of the governor, and 2 other members appointed to serve for 4-year terms.

**SECTION 177.** 15.223 (3) of the statutes is repealed.

**SECTION 178.** 15.225 (2) of the statutes is renumbered 15.227 (2) and amended
to read:

15.227 (2) WISCONSIN CONSERVATION CORPS BOARD COUNCIL. (a) Creation. There
is created a Wisconsin conservation corps board which is attached to the department of workforce development under s. 15.03. a Wisconsin conservation corps
council.

(b) Membership. The Wisconsin conservation corps board council consists of 7
members appointed by the governor from various areas of the state in a manner
designed to provide regional, environmental, and agricultural representation. One
member of the board council shall be a member or employee of a local workforce
development board established under 29 USC 2832.

(c) Liaison representatives. The secretary of agriculture, trade and consumer
protection, the secretary of health and family services, the secretary of workforce
development, the secretary of natural resources, and the chancellor of the University
of Wisconsin–Extension, or a designee of such a secretary or the chancellor, shall
serve as liaison representatives to the Wisconsin conservation corps board, council
and provide information to and assist the board council. The liaison representatives
are not board council members and may not vote on any board council decision or
action recommendation.
(d) Terms. Members of the Wisconsin conservation corps board council shall
serve staggered 6-year terms.

SECTION 179. 15.225 (3) (b) 6. of the statutes is amended to read:
15.225 (3) (b) 6. The An administrator of the a division of workforce excellence
in the department of workforce development, designated by the governor.

SECTION 180. 15.345 (5) of the statutes is amended to read:
15.345 (5) FOX RIVER MANAGEMENT COMMISSION. There is created in the
department of natural resources a Fox River management commission consisting of
7 members. The commission shall cease to exist on the day after the date on which
the state and the Fox River Navigational System Authority enter into the lease
agreement specified in s. 237.06.

SECTION 181. 15.347 (3) of the statutes is created to read:
15.347 (3) GREEN TIER COUNCIL. There is created in the department of natural
resources a green tier council consisting of 15 members. The governor shall appoint
members representing environmental organizations, businesses, and local
governmental units and members that do not represent any of these entities.

SECTION 182. 15.373 (2) of the statutes is amended to read:
15.373 (2) DIVISION FOR LIBRARIES, TECHNOLOGY, AND COMMUNITY LEARNING. There
is created in the department of public instruction a division for libraries, technology,
and community learning.

SECTION 183. 15.407 (2) (a) of the statutes is amended to read:
15.407 (2) (a) The vice chancellor for health sciences medical affairs of the University of Wisconsin-Madison or the vice chancellor’s designee.

SECTION 184. 15.57 of the statutes is renumbered 15.57 (1).

SECTION 185. 15.57 (2m) of the statutes is created to read:

15.57 (2m) If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation defined in s. 39.81 (2), this section does not apply on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a).

SECTION 186. 15.707 (3) of the statutes is repealed.

SECTION 187. 15.915 (2) (a) of the statutes is amended to read:

15.915 (2) (a) The president chancellor of the University of Wisconsin System Wisconsin-Madison, the secretary of health and family services, the secretary of natural resources and the secretary of agriculture, trade and consumer protection, or their designees.

SECTION 188. 15.98 of the statutes is created to read:

15.98 Public broadcasting transitional board; creation. (1) In this section, “friends group” has the meaning given in s. 39.81 (5).

(2) There is created a public broadcasting transitional board consisting of the following members:

(a) The secretary of administration or his or her designee.

(b) The president of the University of Wisconsin System or his or her designee.

(c) The state superintendent of public instruction or his or her designee.

(d) The director of the technical college system or his or her designee.
(e) The president of the Wisconsin Association of Independent Colleges and Universities or his or her designee.

(f) One member of each house of the legislature from the political party with the most members in that house, appointed as are members of standing committees.

(g) Two members appointed by the governor who belong to the Wisconsin Public Radio Association, for 3-year terms.

(h) One member appointed by the governor who belongs to a friends group organized to raise funds for television station WHA, for a 3-year term.

(i) One member appointed by the governor who resides in this state outside the viewing area of television station WHA, for a 3-year term.

(j) One member appointed by the governor who is a representative of public elementary and secondary school administrators, for a 3-year term.

(k) Eight members appointed by the governor who are employed in the private sector, for 3-year terms.

(3) The appointment of the members specified in sub. (2) (g) to (k) is subject to senate confirmation.

(4) This section does not apply beginning on the first day of the 36th month commencing after the effective date of this subsection .... [revisor inserts date].

SECTION 189. 16.002 (2) of the statutes is amended to read:

16.002 (2) “Departments” means constitutional offices, departments and independent agencies and includes all societies, associations and other agencies of state government for which appropriations are made by law, but not including authorities created in chs. 231, 232, 233, 234, and 237.

SECTION 190. 16.004 (4) of the statutes is amended to read:
16.004 (4) Freedom of Access. The secretary and such employees of the department as the secretary designates may enter into the offices of state agencies and authorities created under chs. 231, 233 and 234, and 237, and may examine their books and accounts and any other matter which in the secretary's judgment should be examined and may interrogate the agency's employees publicly or privately relative thereto.

Section 191. 16.004 (5) of the statutes is amended to read:

16.004 (5) Agencies and employees to cooperate. All state agencies and authorities created under chs. 231, 233 and 234, and 237, and their officers and employees, shall cooperate with the secretary and shall comply with every request of the secretary relating to his or her functions.

Section 192. 16.004 (12) (a) of the statutes is amended to read:

16.004 (12) (a) In this subsection, “state agency” means an association, authority, board, department, commission, independent agency, institution, office, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature, the office of the governor and the courts, but excluding the University of Wisconsin Hospitals and Clinics Authority and the Fox River Navigational System Authority.

Section 193. 16.004 (14) of the statutes is renumbered 38.04 (19) and amended to read:

38.04 (19) Grants to technical colleges capacity building program. From the appropriation under s. 20.505 (4) (e) 20.292 (1) (cm), the secretary board shall award grants to technical college district boards to develop or expand programs in occupational areas in which there is a high demand for workers, and to make capital
expenditures that are necessary for such development or expansion, as determined by the secretary.

SECTION 194. 16.008 (2) of the statutes is amended to read:

16.008 (2) The state shall pay for extraordinary police services provided directly to state facilities, as defined in s. 70.119 (3) (e), in response to a request of a state officer or agency responsible for the operation and preservation of such facilities. The University of Wisconsin Hospitals and Clinics Authority shall pay for extraordinary police services provided to facilities of the authority described in s. 70.11 (38). The Fox River Navigational System Authority shall pay for extraordinary police services provided to the navigational system, as defined in s. 237.01 (4). Municipalities or counties which provide extraordinary police services to state facilities may submit claims to the claims board for actual additional costs related to wage and disability payments, pensions and worker’s compensation payments, damage to equipment and clothing, replacement of expendable supplies, medical and transportation expense and other necessary expenses. The clerk of the municipality or county submitting a claim shall also transmit an itemized statement of charges and a statement which identifies the facility served and the person who requested the services. The board shall obtain a review of the claim and recommendations from the agency responsible for the facility prior to proceeding under s. 16.007 (3), (5) and (6).

SECTION 195. 16.023 (1) (f) of the statutes is repealed.

SECTION 196. 16.023 (1) (fm) of the statutes is created to read:

16.023 (1) (fm) Establish a land information working group that is composed of the state cartographer, a representative of the University of Wisconsin System
who has expertise in land information issues and any other land information experts designated by the council’s chairperson, to conduct all of the following functions:

1. Study and recommend land information standards to the council and the department.

2. Advise the council and the department on a Wisconsin land information system.

3. Advise the council and the department on coordination of state and local land information.

4. Review county land records modernization plans and make recommendations on approval to the council and the department.

SECTION 197. 16.023 (1) (m) of the statutes is repealed.

SECTION 198. 16.023 (1) (n) of the statutes is created to read:

16.023 (1) (n) Review land information grant applications that are made under s. 16.967 (7) and make recommendations on approval to the department.

SECTION 199. 16.023 (1) (o) of the statutes is created to read:

16.023 (1) (o) Review proposed expenditures to be made to finance planning activities related to the transportation elements of comprehensive plans under s. 16.9651 (2) and make recommendations on approval to the department.

SECTION 200. 16.023 (2) of the statutes is amended to read:

16.023 (2) In conjunction with the working group established under sub. (1) (L) 1., the council shall, not later than one year after October 14, 1997, develop evaluation criteria for its functions under sub. (1). The council shall complete a report that contains an evaluation of its functions and activities not later than September 1, 2002, and shall submit the report to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), and to the governor.
The report shall also include a recommendation as to whether the council should continue in existence past its sunset date specified in s. 15.107 (16) (e) and, if so, a recommendation as to whether any structural modifications should be made to the council's functions or to the state's land use programs.

SECTION 201. 16.023 (3) of the statutes is repealed.

SECTION 202. 16.045 (1) (a) of the statutes is amended to read:

16.045 (1) (a) “Agency” means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 232, 233, 234, or 235 237.

SECTION 203. 16.07 of the statutes is created to read:

16.07 State and local governmental policy coordination; mediation.

(1) In this section:

(a) “Agency” has the meaning given in s. 16.70 (1).

(b) “Local governmental unit” has the meaning given in s. 22.01 (7).

(2) The department shall, to the extent possible, coordinate state policies governing the relationship between the state and local governmental units and shall attempt to make those policies as uniform as practicable.

(3) The department may attempt to mediate disputes between local governmental units and agencies to the extent feasible.

(4) The secretary shall appoint a state–local government coordinator outside the classified service to carry out the department’s responsibilities under this section.

SECTION 204. 16.22 (title) of the statutes is renumbered 106.22 (title).
SECTION 205. 16.22 (1) of the statutes is renumbered 106.22 (1).

SECTION 206. 16.22 (2) (intro.) of the statutes is renumbered 106.22 (2) (intro.).

SECTION 207. 16.22 (2) (a) of the statutes is renumbered 106.22 (2) (a).

SECTION 208. 16.22 (2) (b) of the statutes is renumbered 106.22 (2) (b).

SECTION 209. 16.22 (2) (c) of the statutes is renumbered 106.22 (2) (c).

SECTION 210. 16.22 (2) (d) of the statutes is renumbered 106.22 (2) (d).

SECTION 211. 16.22 (2) (e) of the statutes is renumbered 106.22 (2) (e).

SECTION 212. 16.22 (2) (f) of the statutes is renumbered 106.22 (2) (f).

SECTION 213. 16.22 (2) (g) of the statutes is renumbered 106.22 (2) (g).

SECTION 214. 16.22 (2) (h) of the statutes is renumbered 106.22 (2) (h) and amended to read:

106.22 (2) (h) From the appropriations under s. 20.505 (4) (j) and (p) 20.445 (6) (jb) and (m), award grants to persons providing national service programs, giving priority to the greatest extent practicable to persons providing youth corps programs.

SECTION 215. 16.22 (2) (i) of the statutes is renumbered 106.22 (2) (i).

SECTION 216. 16.22 (2) (j) of the statutes is renumbered 106.22 (2) (j).

SECTION 217. 16.22 (2) (k) of the statutes is renumbered 106.22 (2) (k).

SECTION 218. 16.22 (2) (L) of the statutes is renumbered 106.22 (2) (L).

SECTION 219. 16.22 (3) of the statutes is renumbered 106.22 (3).

SECTION 220. 16.251 of the statutes is created to read:

16.251 Emergency weather warning system.  (1) In this section, “broadcasting corporation” has the meaning given in s. 39.81 (2).

(2) If the secretary determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation, on and after the effective
date of the last license transferred, as determined by the secretary under s. 39.87 (2)
(a), the department shall contract with the broadcasting corporation for the
operation of an emergency weather warning system.

SECTION 221. 16.26 of the statutes is created to read:

16.26 Public broadcasting assets. (1) In this section:

(a) “Broadcasting corporation” has the meaning given under s. 39.81 (2).

(b) “Shared asset” means an asset of the state that, as determined by the
secretary, is used for the purpose of providing public broadcasting, including a tower,
transmitter, transmission facility or other related structure, equipment, or property,
and that is also used by another agency, as defined in s. 16.70 (1).

(2) If the secretary determines that the federal communications commission
has approved the transfer of all broadcasting licenses held by the educational
communications board to the broadcasting corporation, the secretary shall negotiate
and enter into an agreement to lease, sell, or otherwise transfer any shared asset
used by the educational communications board to the broadcasting corporation. In
addition, the secretary shall negotiate and enter into an agreement with the
broadcasting corporation regarding the payment of any outstanding debt service of
the educational communications board related to public broadcasting.

(3) If the secretary determines that the federal communications commission
has approved the transfer of all broadcasting licenses, except licenses for student
radio, held by the board of regents of the University of Wisconsin System to the
broadcasting corporation, the secretary shall negotiate and enter into an agreement
to lease, sell, or otherwise transfer any shared asset used by the University of
Wisconsin System to the broadcasting corporation. In addition, the secretary shall
negotiate and enter into an agreement with the broadcasting corporation regarding
the payment of any outstanding debt service of the board of regents of the University
of Wisconsin System related to public broadcasting.

**SECTION 222.** 16.339 (2) (a) of the statutes is amended to read:

16.339 (2) (a) From the appropriation under s. 20.505 (7) (dm) (fm), the
department may award a grant to an eligible applicant for the purpose of providing
transitional housing and associated supportive services to homeless individuals and
families if the conditions under par. (b) are satisfied. The department shall ensure
that the funds for the grants are reasonably balanced among geographic areas of the
state, consistent with the quality of applications submitted.

**SECTION 223.** 16.352 (2) (a) of the statutes is amended to read:

16.352 (2) (a) From the appropriations under s. 20.505 (7) (fm) and (gm) (h),
the department shall award grants to eligible applicants for the purpose of
supplementing the operating budgets of agencies and shelter facilities that have or
anticipate a need for additional funding because of the renovation or expansion of an
existing shelter facility, the development of an existing building into a shelter facility,
the expansion of shelter services for homeless persons, or an inability to obtain
adequate funding to continue the provision of an existing level of services.

**SECTION 224.** 16.352 (2) (b) (intro.) of the statutes is amended to read:

16.352 (2) (b) (intro.) The department shall allocate funds from the
appropriations under s. 20.505 (7) (fm) and (gm) (h) for temporary shelter for
homeless individuals and families as follows:

**SECTION 225.** 16.385 (3) (e) 1. of the statutes is amended to read:

16.385 (3) (e) 1. Allocate and transfer to the appropriation under s. 20.505 (7)
(km) (kg), 15% of the moneys received under 42 USC 8621 to 8629 in each federal
fiscal year under the priority of maintaining funding for the geographical areas on
July 20, 1985, and, if funding is reduced, prorating contracted levels of payment, for
the weatherization assistance program administered by the department under s.
16.39.

**SECTION 226.** 16.40 (14) of the statutes is amended to read:

16.40 (14) COMMITTEES. Perform administrative services required to properly
account for the finances of committees created by law or executive order. The
governor may authorize each committee to make expenditures from the
appropriation under s. 20.505 (3) (a) (4) (ba) not exceeding $2,000 per fiscal year. The
governor shall report such authorized expenditures to the joint committee on finance
at the next quarterly meeting of the committee. If the governor desires to authorize
expenditures of more than $2,000 per fiscal year by a committee, the governor shall
submit to the joint committee on finance for its approval a complete budget for all
expenditures made or to be made by the committee. The budget may cover a period
encompassing more than one fiscal year or biennium during the governor’s term of
office. If the joint committee on finance approves a budget authorizing expenditures
of more than $2,000 per fiscal year by such a committee, the governor may authorize
the expenditures to be made within the limits of the appropriation under s. 20.505
(3) (a) (4) (ba) in accordance with the approved budget during the period covered by
the budget. If after the joint committee on finance approves a budget for such a
committee the governor desires to authorize expenditures in excess of the authorized
expenditures under the approved budget, the governor shall submit a modified
budget for the committee to the joint committee on finance. If the joint committee
on finance approves a modified budget, the governor may authorize additional
expenditures to be made within the limits of the appropriation under s. 20.505 (3)
(a) (4) (ba) in accordance with the modified budget during the period covered by the modified budget.

**SECTION 227.** 16.40 (17) of the statutes is amended to read:

16.40 (17) **INTERSTATE BODIES.** Perform administrative services required to properly account for dues and related expenses for state participation in national or regional interstate governmental bodies specified in s. 20.505 (3) (a) (4) (ba) or determined by the governor.

**SECTION 228.** 16.41 (4) of the statutes is amended to read:

16.41 (4) In this section, “authority” means a body created under ch. 231, 233 or 234, or 237.

**SECTION 229.** 16.417 of the statutes is repealed.

**SECTION 230.** 16.43 of the statutes is amended to read:

16.43 **Budget compiled.** The secretary shall compile and submit to the governor or the governor−elect and to each person elected to serve in the legislature during the next biennium, not later than November 20 of each even−numbered year, a compilation giving all of the data required by s. 16.46 to be included in the state budget report, except the recommendations of the governor and the explanation thereof. The secretary shall not include in the compilation any provision for the development or implementation of an information technology development project for an executive branch agency that is not consistent with the strategic plan of the agency, as approved under s. 22.13.

**SECTION 231.** 16.46 (5m) of the statutes is created to read:

16.46 (5m) A statement of estimated general purpose revenue receipts and expenditures in the biennium following the succeeding biennium based on
recommendations in the budget bill or bills. The statement shall contain all of the following:

(a) For the 2nd year of the succeeding biennium, a comparison of the following:

1. The amount of moneys projected to be deposited in the general fund during the fiscal year that are designated as “Revenues and Transfers” in the summary in s. 20.005 (1), as published in the biennial budget bill or bills, less the amount designated as the “Opening Balance” in the summary, and adjusted by any one-time deposit of revenues in the general fund.

2. The amount of moneys designated as “Total Expenditures” in the summary in s. 20.005 (1), as published in the biennial budget bill or bills, adjusted by any one-time expenditure of general purpose revenue in excess of $5,000,000.

(b) An estimate of the cost of any provision in the biennial budget bill or bills that would, without the enactment of subsequent legislation, increase general purpose revenue expenditures or that would decrease the amount of revenues deposited in the general fund in the biennium following the succeeding biennium.

(c) 1. An estimate of the increase in general purpose revenue spending that will be required in the biennium following the succeeding biennium for all of the following:

   a. General equalization school aids.

   b. Appropriations to the department of corrections.

   c. The medical assistance program under subch. IV of ch. 49.

   d. The amount designated as “Compensation Reserves” in the summary under s. 20.005 (1), as printed in the revised schedule that is approved under s. 20.004 (2) for that fiscal biennium.

   e. Public debt contracted under subchs. I and IV of ch. 18.
2. For the purpose of making the calculation under subd. 1., the secretary shall assume that the increase in general purpose revenue spending between the succeeding biennium and the biennium following the succeeding biennium for each of the items identified in subd. 1. a. to 1. e. is the same as that between the current biennium and the succeeding biennium for these items, as proposed in the biennial budget bill or bills.

(d) An estimate of the difference between the amount of tax revenues that will be deposited in the general fund in the biennium following the succeeding biennium and the amount of tax revenues that are deposited in the general fund in the succeeding biennium. For the purpose of making this calculation, the secretary shall:

1. Assume that the amount of tax revenues that are deposited in the general fund in the succeeding biennium is the amount designated as “Taxes” in the summary in s. 20.005 (1), as published in the biennial budget bill or bills.

2. Assume that the annual increase in tax revenues that are deposited in the general fund in each fiscal year of the biennium following the succeeding biennium is the average of the annual increase for each of the 10 preceding fiscal years.

3. Adjust the estimate of the amount of tax revenues that are deposited in the general fund in the biennium following the succeeding biennium by any provision in the biennial budget bill or bills that would affect the amount of tax revenues that are deposited in the general fund in the biennium.

(e) 1. A comparison of the following:

a. The amount of moneys that are designated as “Revenues and Transfers” in the summary in s. 20.005 (1), as published in the biennial budget bill or bills, and that are available for appropriation in the 2nd year of the succeeding biennium.
b. An amount that equals the sum of the amount of moneys designated as “Total Expenditures” in the summary in s. 20.005 (1), as published in the biennial budget bill or bills, for the 2nd year of the succeeding biennium and the amount required to fund the increase in general purpose revenue spending in the biennium following the succeeding biennium for each of the items identified in par. (c) 1. a. to 1. e.

2. The secretary shall present this comparison in the format used for the statement of the condition of the general fund in the statement prepared under s. 20.005 (1).

(f) A summary of the amount of additional general purpose revenues that will be available in the biennium following the succeeding biennium for increased expenditures or tax reductions, other than the amount calculated in par. (d).

Section 232. 16.46 (9) of the statutes is created to read:

16.46 (9) A comparison of the state’s budgetary surplus or deficit according to generally accepted accounting principles, as reported in any audited financial report prepared by the department for the most recent fiscal year, and the estimated change in the surplus or deficit based on recommendations in the biennial budget bill or bills. For the purpose of this calculation, the secretary shall increase or decrease the surplus or deficit by the amount designated as “Gross Balances” that appears in the 2nd year of the biennium in the summary in s. 20.005 (1), as published in the biennial budget bill or bills.

Section 233. 16.46 (10) of the statutes is created to read:

16.46 (10) The determination of the department under s. 13.40 (4).

Section 234. 16.50 (1) (b) of the statutes is amended to read:

16.50 (1) (b) This subsection does not apply to appropriations under ss. 20.255 (2) (ac) and (q), 20.835, and 20.865 (4).
SECTION 235. 16.50 (3) of the statutes is amended to read:

16.50 (3) LIMITATION ON INCREASE OF FORCE AND SALARIES. No department, except the legislature or the courts, may increase the pay of any employee, expend money or incur any obligation except in accordance with the estimate that is submitted to the secretary as provided in sub. (1) and approved by the secretary or the governor. No change in the number of full-time equivalent positions authorized through the biennial budget process or other legislative act may be made without the approval of the joint committee on finance, except for position changes made by the governor under s. 16.505 (1) (c) or (2), by the chief information officer under s. 16.505 (2e), by the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n) or by the board of regents of the University of Wisconsin System under s. 16.505 (2m) or (2p). The secretary may withhold, in total or in part, the funding for any position, as defined in s. 230.03 (11), as well as the funding for part-time or limited term employees until such time as the secretary determines that the filling of the position or the expending of funds is consistent with s. 16.505 and with the intent of the legislature as established by law or in budget determinations, or the intent of the joint committee on finance in creating or abolishing positions under s. 13.10, the intent of the governor in creating or abolishing positions under s. 16.505 (1) (c) or (2), the intent of the chief information officer in transferring positions under s. 16.505 (2e), or the intent of the board of regents of the University of Wisconsin System in creating or abolishing positions under s. 16.505 (2m) or (2p). Until the release of funding occurs, recruitment or certification for the position may not be undertaken. The secretary shall submit a quarterly report to the joint committee on finance of any position changes made by the governor under s. 16.505 (1) (c) or by the chief information officer under s. 16.505 (2e). No pay increase may be approved unless it
is at the rate or within the pay ranges prescribed in the compensation plan or as
provided in a collective bargaining agreement under subch. V of ch. 111. At the
request of the secretary of employment relations, the secretary of administration
may authorize the temporary creation of pool or surplus positions under any source
of funds if the secretary of employment relations determines that temporary
positions are necessary to maintain adequate staffing levels for high turnover
classifications, in anticipation of attrition, to fill positions for which recruitment is
difficult. Surplus or pool positions authorized by the secretary shall be reported
quarterly to the joint committee on finance in conjunction with the report required
under s. 16.54 (8).

SECTION 236. 16.50 (7) (b) of the statutes is amended to read:

16.50 (7) (b) Following such notification, the governor shall submit a bill
containing his or her recommendations for correcting the imbalance between
projected revenues and authorized expenditures, including a recommendation as to
whether moneys should be transferred from the budget stabilization fund to the
general fund. If the legislature is not in a floorperiod at the time of the secretary’s
notification, the governor shall call a special session of the legislature to take up the
matter of the projected revenue shortfall and the governor shall submit his or her bill
for consideration at that session.

SECTION 237. 16.501 (1) of the statutes is amended to read:

16.501 (1) No funds appropriated under s. 20.143 (1) (bm) or (kn) may be
expended until the department of commerce submits to the secretary a report setting
forth the amount of private contributions received by Forward Wisconsin, Inc., since
the date the department of commerce last submitted a report under this subsection.
After receiving the report, the secretary may approve the expenditure of funds up to
the amount set forth in the report. Total funds expended in any fiscal year may not exceed the amounts in the schedule under s. 20.143 (1) (bm) and (kn).

SECTION 238. 16.501 (2) of the statutes is amended to read:

16.501 (2) Forward Wisconsin, Inc., shall expend funds appropriated under s. 20.143 (1) (bm) and (kn) in adherence with the uniform travel schedule amounts approved under s. 20.916 (8). Forward Wisconsin, Inc., may not expend funds appropriated under s. 20.143 (1) (bm) or (kn) on entertainment, foreign travel, payments to persons not providing goods or services to Forward Wisconsin, Inc., or for any other purposes prohibited by contract between Forward Wisconsin, Inc., and the department.

SECTION 239. 16.505 (1) (intro.) of the statutes is amended to read:

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

SECTION 240. 16.505 (2e) of the statutes is created to read:

16.505 (2e) (a) In this subsection, “executive branch agency” has the meaning given in s. 16.70 (4).

(b) 1. In addition to the procedure under sub. (2), the chief information officer may, unless otherwise required by state or federal law or unless otherwise required by the federal government as a condition to receipt of aids by this state, transfer any whole or fractional number of authorized full-time equivalent positions having responsibilities related to information technology or telecommunications functions from any executive branch agency to the department of electronic government or another executive branch agency, or may transfer the funding source for any such positions within the appropriations made to an executive branch agency, for the
purpose of carrying out the authorized functions of the department of electronic
government. The chief information officer may also change the funding source, in
whole or in part, for any position transferred to the department of electronic
government or another executive branch agency under this paragraph. The chief
information officer may also rescind any previous action under this subdivision. If
the funding source for any position is changed under this subdivision and the
transfer or change in funding sources is rescinded, the funding source for that
position reverts to the original funding source. The number of authorized full−time
equivalent positions for the department of electronic government or any other
executive branch agency from which or to which positions are transferred under this
subdivision and the allocation of full−time equivalent positions to the department of
electronic government and other executive branch agencies among funding sources
is adjusted to reflect the transfer on the date on which the transfer is made.

2. On the effective date of any transfer of employees between executive branch
agencies under subd 1., any incumbent in a position that is affected by the transfer
is transferred to the appropriate executive branch agency required to effect the
transfer. Employees transferred under this paragraph have all of the rights and the
same status under subch. V of ch. 111 and ch. 230 in the executive branch agency to
which they are transferred that they enjoyed in the executive branch agency by
which they were employed immediately prior to the transfer. Notwithstanding s.
230.28 (4), no employee so transferred who has attained permanent status in class
may be required to serve a probationary period in the position to which the employee
is transferred.

3. Promptly following the completion of each calendar quarter, the chief
information officer shall report to the secretary the number of position changes made
by the chief information officer during the preceding calendar quarter, itemized for
each executive branch agency and funding source and, if applicable, the specific
appropriations from which funding for any position was provided or from which
funding for any position was deleted.

SECTION 241. 16.505 (2m) of the statutes is amended to read:

16.505 (2m) The board of regents of the University of Wisconsin System may
create or abolish a full-time equivalent position or portion thereof from revenues
appropriated under s. 20.285 (1) (h), (ip), (ir), (iz), (j), (m), (n), or (u) or (3) (iz) or (n).
No later than the last day of the month following completion of each calendar quarter,
the board of regents shall report to the department and the cochairpersons of the
joint committee on finance concerning the number of full-time equivalent positions
created or abolished by the board under this subsection during the preceding
calendar quarter and the source of funding for each such position.

SECTION 242. 16.505 (2p) of the statutes is created to read:

16.505 (2p) (a) The board of regents of the University of Wisconsin System may
create or abolish a full-time equivalent academic staff or faculty position or portion
thereof from revenues appropriated under s. 20.285 (1) (a) if the board of regents
submits a request to the department, by December 1 of the previous academic year,
containing a clear explanation of how the requested position will be filled and if the
department approves the request.

(b) The board of regents may not include in any certification to the department
under s. 20.928 (1) any sum to pay any costs of a position authorized under this
subsection. Notwithstanding s. 16.42 (1), in submitting information under s. 16.42
for the biennial budget bill, the board of regents may not include the cost of funding
positions requested under this subsection.
SECTION 243. 16.51 (7) of the statutes is amended to read:

16.51 (7) AUDIT CLAIMS FOR EXPENSES IN CONNECTION WITH PRISONERS AND JUVENILES IN SECURED CORRECTIONAL FACILITIES. Receive, examine, determine and audit claims, duly certified and approved by the department of corrections, from the county clerk of any county in behalf of the county, which are presented for payment to reimburse the county for certain expenses incurred or paid by it in reference to all matters growing out of actions and proceedings involving prisoners in state prisons, as defined listed in s. 302.01, or juveniles in secured correctional facilities, as defined in s. 938.02 (15m), including prisoners or juveniles transferred to a mental health institute for observation or treatment, when the proceedings are commenced in counties in which the prisons or secured correctional facilities are located by a district attorney or by the prisoner or juvenile as a postconviction remedy or a matter involving the prisoner’s status as a prisoner or the juvenile’s status as a resident of a secured correctional facility and for certain expenses incurred or paid by it in reference to holding those juveniles in secure custody while those actions or proceedings are pending. Expenses shall only include the amounts that were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county had the offense or crime occurred therein.

SECTION 244. 16.517 of the statutes is amended to read:

16.517 Adjustments of program revenue positions and funding levels. No later than 30 days after the effective date of each biennial budget act, the department shall provide to the joint committee on finance a report indicating any initial modifications that are necessary to the appropriation levels established under that act for program revenue and program revenue–service appropriations as defined in s. 20.001 (2) (b) and (c) or to the number of full–time equivalent positions...
funded from program revenue and program revenue-service appropriations authorized by that act to account for any additional funding or positions authorized under s. 16.505 (2), (2e), or (2m) or 16.515 in the fiscal year immediately preceding the fiscal biennium of the budget that have not been included in authorizations under the biennial budget act but which should be included as continued budget authorizations in the fiscal biennium of the budget. Such modifications shall be limited to adjustment of the appropriation or position levels to the extent required to account for higher base levels for the fiscal year immediately preceding the fiscal biennium of the budget due to appropriation or position increases authorized under s. 16.505 (2), (2e), or (2m) or 16.515 during the fiscal year immediately preceding the fiscal biennium of the budget. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications within 14 working days after the date of receipt of the department's report, the department may make the modifications specified in the report. If, within 14 working days after the date of the department's report, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed modifications, the department may not make the modifications specified in the report until the committee approves the report.

SECTION 245. 16.518 of the statutes is created to read:

16.518 Transfers to the budget stabilization fund and the tax relief fund. (1) In this section, “summary” means the amount shown in the summary in s. 20.005 (1), as published in the biennial budget act or acts.

(2) Annually, the secretary shall calculate the difference between the amount of moneys projected to be deposited in the general fund during the fiscal year that
are designated as “Taxes” in the summary and the amount of such moneys actually deposited in the general fund during the fiscal year.

(3) (a) Subject to par. (b), if the amount of moneys projected to be deposited in the general fund during the fiscal year that are designated as “Taxes” in the summary is less than the amount of such moneys actually deposited in the general fund during the fiscal year, the secretary shall annually transfer from the general fund to the budget stabilization fund 50% of the amount calculated under sub. (2).

(b) 1. If the balance of the budget stabilization fund on June 30 of the fiscal year is at least equal to 5% of the estimated expenditures from the general fund during the fiscal year, as reported in the summary, the secretary may not make the transfer under par. (a).

2. If the amount transferred under par. (a) would cause the general fund balance on June 30 of the fiscal year to be less than the general fund balance that is required under s. 20.003 (4) for that fiscal year, the secretary shall reduce the amount transferred under par. (a) to the amount that would cause the general fund balance to be equal to the minimum general fund balance that is required under s. 20.003 (4) for that fiscal year.

(4) Annually, the secretary shall transfer from the general fund to the tax relief fund the difference between the amount calculated under sub. (2) and the amount transferred to the budget stabilization fund under sub. (3).

SECTION 246. 16.519 of the statutes is created to read:

16.519 Fund transfers relating to tobacco settlement agreement. (1) In this section, “tobacco settlement agreement” means the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.
(2) Annually, on June 15, beginning in 2004, the secretary shall transfer from the permanent endowment fund to the general fund an amount equal to the amount calculated by the investment board under s. 25.17 (16).

(3) If the state has not received in fiscal year 2001–02 at least $12,006,400 under the tobacco settlement agreement, because the secretary, under s. 16.63, has sold the state’s right to receive any of the payments under the tobacco settlement agreement, the secretary shall transfer from the general fund to the tobacco control fund an amount equal to $12,006,400 less any payments received under the tobacco settlement agreement and deposited in the tobacco control fund in that fiscal year.

(4) If the state has not received in fiscal year 2002–03 at least $21,169,200 under the tobacco settlement agreement, because the secretary, under s. 16.63, has sold the state’s right to receive any of the payments under the tobacco settlement agreement, the secretary shall transfer from the general fund to the tobacco control fund an amount equal to $21,169,200 less any payments received under the tobacco settlement agreement and deposited in the tobacco control fund in that fiscal year.

SECTION 247. 16.52 (intro.) (except 16.52 (title)) of the statutes is repealed.

SECTION 248. 16.52 (1), (2) and (3) of the statutes are amended to read:

16.52 (1) Keep separate accounts of moneys and funds. Keep The department shall keep in its office separate accounts of the revenues and funds of the state, and of all moneys and funds received or held by the state, and also of all encumbrances, expenditures, disbursements and investments thereof, showing the particulars of every encumbrance, expenditure, disbursement and investment.

(2) Revenue accounts. Place The department shall place revenue estimates on the books of accounts and credit actual receipts against them as of the last day of each quarter. Except as provided in s. 20.002 (2), any receipts applying to a prior
fiscal year received between the day after the date for closing of books specified by
the secretary under sub. (5) (a) and the next succeeding such date specified by the
secretary shall be credited by the secretary to the fiscal year following the year to
which the receipts apply. Except in the case of program revenue and continuing
appropriations, any refund of a disbursement to a general purpose revenue
appropriation, applicable to any prior fiscal year, received between these dates may
not be credited to any appropriation but shall be considered as a nonappropriated
receipt. General purpose revenue (GPR) earned, as defined in s. 20.001 (4) is not
available for expenditure, whether or not applied to the fiscal year in which received.

(3) **Keep Appropriation Appropriation Accounts.** Keep The department shall
keep separate accounts of all appropriations authorizing expenditures from the state
treasury, which accounts shall show the amounts appropriated, the amounts
allotted, the amounts encumbered, the amounts expended, the allotments
uncumbered and the unallotted balance of each appropriation.

**SECTION 249.** 16.52 (7) of the statutes is amended to read:

16.52 (7) **Petty Cash Account.** With the approval of the secretary, each agency
which is authorized to maintain a contingent fund under s. 20.920 may establish a
petty cash account from its contingent fund. The procedure for operation and
maintenance of petty cash accounts and the character of expenditures therefrom
shall be prescribed by the secretary. In this subsection, “agency” means an office,
department, independent agency, institution of higher education, association,
society or other body in state government created or authorized to be created by the
constitution or any law, which is entitled to expend moneys appropriated by law,
including the legislature and the courts, but not including an authority created in
ch. 231, 233 or, 234, or 237.
SECTION 250. 16.52 (10) of the statutes is amended to read:

16.52 (10) DEPARTMENT OF PUBLIC INSTRUCTION. The provisions of sub. (2) with respect to refunds and sub. (5) (a) with respect to reimbursements for the prior fiscal year shall not apply to the appropriations appropriation under s. 20.255 (2) (ac) and (q).

SECTION 251. 16.52 (12) of the statutes is amended to read:

16.52 (12) DATE FOR INTERFUND TRANSFERS. Whenever it is provided by law for a transfer of moneys to be made from one fund to another fund and no date is specified for the transfer to be made, the department shall determine a date on which the transfer shall be made or provide for partial transfers to be made on different dates, and transfer the moneys in accordance with its determination.

SECTION 252. 16.52 (13) of the statutes is created to read:

16.52 (13) INFORMATION TECHNOLOGY AND ELECTRONIC COMMUNICATIONS TRANSFERS. The department shall execute transfers between appropriation accounts authorized under s. 22.09 (4) upon the direction of the chief information officer.

SECTION 253. 16.528 (1) (a) of the statutes is amended to read:

16.528 (1) (a) “Agency” means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234, or 237.

SECTION 254. 16.53 (2) of the statutes is amended to read:

16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. In this subsection,
“agency” means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234, or 237.

SECTION 255. 16.53 (14) of the statutes is created to read:

16.53 (14) REVIEW OF PROPOSED INCORPORATIONS AND ANNEXATIONS. The department may prescribe and collect a fee for review of any petition for incorporation of a municipality under s. 66.0203 or any petition for annexation of municipal territory under s. 66.0217. The fee shall be paid by the person or persons filing the petition for incorporation or by the person or persons filing the notice of the proposed annexation.

SECTION 256. 16.54 (9) (a) 1. of the statutes is amended to read:

16.54 (9) (a) 1. “Agency” means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 233 or 234, or 237.

SECTION 257. 16.54 (13) of the statutes is created to read:

16.54 (13) (a) If the state receives any interest payments from the federal government relating to the timing of transfers of federal grant funds for programs that are funded with moneys from the general fund and that are covered in an agreement between the federal department of the treasury and the state under the federal Cash Management Improvement Act of 1990, as amended, the payments,
less applicable administrative costs, shall be deposited in the general fund as general
purpose revenue — earned.

(b) If the state is required to pay any interest payments to the federal
government relating to the timing of transfers of federal grant funds for programs
that are funded with moneys from the general fund and that are covered in an
agreement between the federal department of the treasury and the state under the
federal Cash Management Improvement Act of 1990, as amended, the secretary
shall notify the cochairpersons of the joint committee on finance, in writing, that the
state is required to pay an interest payment. The notice shall contain an accounting
of the amount of interest that the state is required to pay.

SECTION 258. 16.545 (9) of the statutes is amended to read:

16.545 (9) To process applications for grants from the federal government upon
request of any agency initiate contacts with the federal government for the purpose
of facilitating participation by agencies, as defined in s. 16.70 (1), in federal aid
programs, to assist those agencies in applying for such aid, and to facilitate
influencing the federal government to make policy changes that will be beneficial to
this state. The department may assess to an agency for whom it processes an
application to which it provides services under this subsection a fee for the expenses
incurred by the department in performing this service providing those services.

SECTION 259. 16.61 (2) (af) of the statutes is amended to read:

16.61 (2) (af) “Form” has the meaning specified in s. 16.97 22.01 (5p).

SECTION 260. 16.61 (3n) of the statutes is amended to read:

16.61 (3n) EXEMPT FORMS. The board may not receive or investigate complaints
about the forms specified in s. 16.971 22.03 (2m).

SECTION 261. 16.61 (7) (d) of the statutes is created to read:
16.61 (7) (d) This subsection does not apply to public records governed by s. 137.20.

**SECTION 262.** 16.611 (2) (e) of the statutes is created to read:

16.611 (2) (e) This subsection does not apply to public records governed by s. 137.20.

**SECTION 263.** 16.612 (2) (c) of the statutes is created to read:

16.612 (2) (c) This subsection does not apply to documents or public records governed by s. 137.20.

**SECTION 264.** 16.62 (2) of the statutes is amended to read:

16.62 (2) The department may establish user charges for records storage and retrieval services, with any moneys collected to be credited to the appropriation account under s. 20.505 (1) (im) or (kd) (kb). Such charges shall be structured to encourage efficient utilization of the services.

**SECTION 265.** 16.62 (3) of the statutes is amended to read:

16.62 (3) The department may establish user fees for the services of the public records board. Any moneys collected shall be credited to the appropriation account under s. 20.505 (1) (kd) (kb).

**SECTION 266.** 16.63 of the statutes is created to read:

16.63 Sale of state’s rights to tobacco settlement agreement payments.

(1) In this section:

(a) “Purchaser” means any person who has purchased the state’s right to receive any of the payments under the tobacco settlement agreement.

(b) “Tobacco settlement agreement” means the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.
“Tobacco settlement revenues” means the right to receive settlement payments arising from or pursuant to the tobacco settlement agreement and all direct or indirect proceeds of that right.

(2) The secretary may sell for cash or other consideration the state’s right to receive any of the payments under the tobacco settlement agreement.

(3) The secretary may organize one or more nonstock corporations under ch. 181 or limited liability companies under ch. 183 for any purpose related to the sale of the state’s right to receive any of the payments under the tobacco settlement agreement and may take any action necessary to facilitate and complete the sale.

(4) (a) Tobacco settlement revenues may not be deemed proceeds of any property which is not tobacco settlement revenues.

(b) Except as otherwise provided in this subsection, the creation, perfection, and enforcement of security interests in tobacco settlement revenues are governed by ch. 409. Notwithstanding ch. 409, with regard to creating, perfecting, and enforcing a valid security interest in tobacco settlement revenues:

1. If this state or the Wisconsin health and educational facilities authority is the debtor in the transaction, the proper place to file the required financing statement to perfect the security interest is the department of financial institutions.

2. The required financing statement shall include a description of collateral that describes the collateral as general intangibles consisting of the right to receive settlement payments arising from or pursuant to the tobacco settlement agreement and all proceeds of that right. The required financing statement may include any additional description of collateral that is legally sufficient under the laws of this state.
3. The tobacco settlement revenues are general intangibles for purposes of ch. 409.

4. A security interest perfected under this paragraph is enforceable against the debtor, any assignee or grantee, and all third parties, including creditors under any lien obtained by judicial proceedings, subject only to the rights of any third parties holding security interests in the tobacco settlement revenues previously perfected under this paragraph. Unless the applicable security agreement provides otherwise, a perfected security interest in the tobacco settlement revenues is a continuously perfected security interest in all tobacco settlement revenues existing on the date of the agreement or arising after the date of the agreement. A security interest perfected under this paragraph has priority over any other lien created by operation of law or otherwise, which subsequently attaches to the tobacco settlement revenues.

5. The priority of a security interest created under this paragraph is not affected by the commingling of proceeds arising from the tobacco settlement revenues with other amounts.

(c) The sale, assignment, and transfer of tobacco settlement revenues are governed by this paragraph. All of the following apply to a sale, assignment, or transfer under this paragraph:

1. The sale, assignment, or transfer is an absolute transfer of, and not a pledge of or secured transaction relating to, the seller’s right, title, and interest in, to, and under the tobacco settlement revenues, if the documents governing the transaction expressly state that the transaction is a sale or other absolute transfer. After such a transaction, the tobacco settlement revenues are not subject to any claims of the seller or the seller’s creditors, other than creditors holding a prior security interest in the tobacco settlement revenues perfected under par. (b).
2. The characterization of the sale, assignment, or transfer as an absolute transfer under subd. 1. and the corresponding characterization of the purchaser’s property interest is not affected by any of the following factors:

   a. Commingling of amounts arising with respect to the tobacco settlement revenues with other amounts.

   b. The retention by the seller of a partial or residual interest, including an equity interest, in the tobacco settlement revenues, whether direct or indirect, or whether subordinate or otherwise.

   c. The sale, assignment, or transfer of only a portion of the tobacco settlement revenues or an undivided interest in the tobacco settlement revenues.

   d. Any recourse that the purchaser or its assignees may have against the seller.

   e. Whether the seller is responsible for collecting payments due under the tobacco settlement revenues or for otherwise enforcing any of the tobacco settlement revenues or retains legal title to the tobacco settlement revenues for the purpose of these collection activities.

   f. The treatment of the sale, assignment, or transfer for tax purposes.

3. The sale, assignment, or transfer is perfected automatically as against third parties, including any third parties with liens created by operation of law or otherwise, upon attachment under ch. 409.

4. Nothing in this subsection precludes consideration of the factors listed in subd. 2. a. to e. in determining whether the sale, assignment, or transfer is a sale for tax purposes. The characterization of the sale, assignment, or transfer as an absolute transfer under subd. 1. may not be considered in determining whether the sale, assignment, or transfer is a sale for tax purposes.
(5) If the secretary sells the state’s right to receive any of the payments under the tobacco settlement agreement, the state pledges to and agrees with any purchaser or subsequent transferee of the state’s right to receive any of the payments under the tobacco settlement agreement that the state will not limit or alter its powers to fulfill the terms of the tobacco settlement agreement, nor will the state in any way impair the rights and remedies provided under the tobacco settlement agreement. The state also pledges to and agrees with any purchaser or subsequent transferee of the state’s right to receive any of the payments under the tobacco settlement agreement that the state will pay all costs and expenses in connection with any action or proceeding brought by or on behalf of the purchaser or any subsequent transferee related to the state’s not fulfilling the terms of the tobacco settlement agreement. The secretary may include this pledge and agreement of the state in any contract that is entered into by the secretary under this section.

(6) If the secretary sells the state’s right to receive any of the payments under the tobacco settlement agreement, the state pledges to and agrees with any purchaser or subsequent transferee of the state’s right to receive any of the payments under the tobacco settlement agreement that the state will not limit or alter the powers of the secretary under this section until any contract that is entered into under this section is fully performed, unless adequate provision is made by law for the protection of the rights and remedies of the purchaser or any subsequent transferee under the contract. The secretary may include this pledge and agreement of the state in any contract that is entered into by the secretary under this section.

(7) The secretary may enter into a contract with any firm or individual engaged in providing financial services for the performance of any of his or her functions
under this section, using selection and procurement procedures established by the
secretary. That contract is not subject to s. 16.705 or 16.75.

(8) This subsection and subs. (8m) and (9) shall govern all civil claims, suits,
proceedings, and actions brought against the state relating to the sale of the state’s
right to receive any of the payments under the tobacco settlement agreement. If the
state fails to comply with this section or the terms of any agreement relating to the
sale of the state’s right to receive any of the payments under the tobacco settlement
agreement, an action to compel compliance may be commenced against the state.

(8m) If the recovery of a money judgment against the state is necessary to give
the plaintiff in an action under sub. (8) complete relief, a claim for the money
damages may be joined with the claim commenced under sub. (8).

(9) Sections 16.007, 16.53, and 775.01 do not apply to claims against the state
under sub. (8) or (8m). If there is a final judgment against the state in such an action,
the judgment shall be paid as provided in s. 775.04 together with interest at the rate
of 10% per year from the date such payment was judged to have been due until the
date of payment of the judgment.

SECTION 267. 16.70 (2) of the statutes is amended to read:

16.70 (2) “Authority” means a body created under ch. 231, 232, 233 or 234, or

SECTION 268. 16.70 (4m) of the statutes is created to read:

16.70 (4m) “Information technology” has the meaning given in s. 22.01 (6).

SECTION 269. 16.70 (15) of the statutes is created to read:

16.70 (15) “Telecommunications” has the meaning given in s. 22.01 (10).

SECTION 270. 16.701 of the statutes is renumbered 16.701 (1).

SECTION 271. 16.701 (2) of the statutes is created to read:
16.701 (2) The department may permit prospective vendors to provide product
or service information through the service established under sub. (1). The
department may prescribe fees or establish fees through a competitive process for the
use of the service under this subsection.

**SECTION 272.** 16.7015 of the statutes is amended to read:

**16.7015 Bidders list.** The department or any agency to which the department
delegates purchasing authority under s. 16.71 (1) may maintain a bidders list which,
Any agency to which the department delegates purchasing authority under s. 16.71
(1) may maintain a bidders list if authorized by the delegation. The bidders list shall
include the names and addresses of all persons who request to be notified of bids or
competitive sealed proposals, excluding those to be awarded under s. 16.75 (1) (c) or
(2m) (c), that are solicited by the department or other agency for the procurement of
materials, supplies, equipment or contractual services under this subchapter. Any
list maintained by the department may include the names and addresses of any
person who requests to be notified of bids or competitive sealed proposals to be that
are solicited by any agency. The department or other agency shall notify each person
on its list of all requests for bids or competitive sealed proposals that are solicited by
the department or other agency. The department or other agency may remove any
person from its list for cause.

**SECTION 273.** 16.71 (1) of the statutes is amended to read:

16.71 (1) Except as otherwise required under this section and s. 16.78 or as
authorized in s. 16.74, the department shall purchase and may delegate to special
designated agents the authority to purchase all necessary materials, supplies,
equipment, all other permanent personal property and miscellaneous capital, and
contractual services and all other expense of a consumable nature for all agencies.
In making any delegation, the department shall require the agent to adhere to all requirements imposed upon the department in making purchases under this subchapter. All materials, services and other things and expense furnished to any agency and interest paid under s. 16.528 shall be charged to the proper appropriation of the agency to which furnished.

**SECTION 274.** 16.71 (1m) of the statutes is created to read:

16.71 (1m) The department shall not delegate to any executive branch agency the authority to enter into any contract for materials, supplies, equipment, or contractual services relating to information technology or telecommunications prior to review and approval of the contract by the chief information officer. No executive branch agency may enter into any such contract without review and approval of the contract by the chief information officer.

**SECTION 275.** 16.71 (2m) of the statutes is created to read:

16.71 (2m) The department of administration shall delegate authority to make all purchases for the department of electronic government to the department of electronic government. This delegation may not be withdrawn, but the department of electronic government may elect to make any purchase through the department of administration.

**SECTION 276.** 16.71 (4) of the statutes is amended to read:

16.71 (4) The department of administration shall delegate authority to the technology for educational achievement in Wisconsin board to make purchases of educational technology equipment for use by school districts, cooperative educational service agencies and public educational institutions in this state, upon request of the board.

**SECTION 277.** 16.71 (6) of the statutes is created to read:
16.71 (6) The department may assess any agency or municipality to which it provides services under this subchapter for the cost of the services provided to the agency or municipality. The department may also identify savings that the department determines to have been realized by an agency to which it provides services under this subchapter and may assess the agency for not more than the amount of the savings identified by the department.

Section 278. 16.72 (2) (a) of the statutes is amended to read:

16.72 (2) (a) The department of administration shall prepare standard specifications, as far as possible, for all state purchases. By “standard specifications” is meant a specification, either chemical or physical or both, prepared to describe in detail the article which the state desires to purchase, and trade names shall not be used. On the formulation, adoption and modification of any standard specifications, the department of administration shall also seek and be accorded without cost, the assistance, advice and cooperation of other agencies and officers. Each specification adopted for any commodity shall, insofar as possible, satisfy the requirements of any and all agencies which use it in common. Any specifications for the purchase of materials, supplies, equipment, or contractual services for information technology or telecommunications purposes are subject to the approval of the chief information officer.

Section 279. 16.72 (2) (b) of the statutes is amended to read:

16.72 (2) (b) Except as provided in par. (a) and ss. 16.25 (4) (b), 16.751 and 565.25 (2) (a) 4., the department shall prepare or review specifications for all materials, supplies, equipment, other permanent personal property and contractual services not purchased under standard specifications. Such “nonstandard specifications” may be generic or performance specifications, or both, prepared to
describe in detail the article which the state desires to purchase either by its physical
properties or programmatic utility. When appropriate for such nonstandard items
or services, trade names may be used to identify what the state requires, but
wherever possible 2 or more trade names shall be designated and the trade name of
any Wisconsin producer, distributor or supplier shall appear first.

**SECTION 280.** 16.72 (2) (d) of the statutes is amended to read:

16.72 (2) (d) Except as permitted in s. ss. 16.75 (6) (am) and 16.751, to the extent
possible, the department and any other designated purchasing agent under s. 16.71
(1) shall write specifications for the purchase of materials, supplies, commodities,
equipment and contractual services so as to permit their purchase from prison
industries, as created under s. 303.01 (1).

**SECTION 281.** 16.72 (4) (a) of the statutes is amended to read:

16.72 (4) (a) Except as provided in s. ss. 16.71 and 16.74 or as otherwise
provided in this subchapter and the rules promulgated under s. 16.74 and this
subchapter, all supplies, materials, equipment and contractual services shall be
purchased for and furnished to any agency only upon requisition to the department.
The department shall prescribe the form, contents, number and disposition of
requisitions and shall promulgate rules as to time and manner of submitting such
requisitions for processing. No agency or officer may engage any person to perform
contractual services without the specific prior approval of the department for each
such engagement. Purchases of supplies, materials, equipment or contractual
services by the department of electronic government, the legislature, the courts or
legislative service or judicial branch agencies do not require approval under this
paragraph.

**SECTION 282.** 16.72 (8) of the statutes is amended to read:
16.72 (8) The division of information technology services of the department may purchase educational technology materials, supplies, equipment or contractual services from orders placed with the department by the technology for educational achievement in Wisconsin board on behalf of school districts, cooperative educational service agencies, technical college districts and the board of regents of the University of Wisconsin System.

SECTION 283. 16.735 of the statutes is created to read:

16.735 Multistate purchasing of prescription drugs. (1) In this section, “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is included in the drugs specified under s. 49.46 (2) (b) 6. h.

(2) The department and the department of health and family services shall together work to develop, in conjunction with states other than this state and with associations, a multistate purchasing group for the direct negotiation with prescription drug manufacturers of rebates that are, in part, modeled on the rebate agreement specified under 42 USC 1396r–8 and that result, on average, in larger rebate amounts than those achievable under the rebate agreement specified under 42 USC 1396r–8.

SECTION 284. 16.736 of the statutes is created to read:

16.736 Prescription drug discount program. (1) In this section, “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is included in the drugs specified under s. 49.46 (2) (b) 6. h.

(2) The department of administration shall contract with a private entity to administer a discount program for purchase of prescription drugs by persons of any age or income who pay to the entity nominal fees. Requirements of ss. 16.75 (3t) (c) and 16.752 (12) (a) do not apply to this subsection.
SECTION 285. 16.75 (1) (a) 1. of the statutes is amended to read:

   16.75 (1) (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment, and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8), and (9) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05 (7) (f), and 287.15 (7) and 301.265, shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery.

SECTION 286. 16.75 (1) (a) 3. of the statutes is amended to read:

   16.75 (1) (a) 3. Bids may be received only in accordance with such specifications as are adopted by the department as provided in this subsection. Any or all bids may be rejected. Each Whenever sealed bids are invited, each bid, with the name of the bidder, shall be entered on a record, and each record with the successful bid indicated shall, after the award or letting of the contract, be opened to public inspection. Where a low bid is rejected, a complete written record shall be compiled and filed, giving the reason in full for such action. Any waiver of sealed, advertised bids as provided in sub. (2m) or (6) shall be entered on a record kept by the department and open to public inspection.

SECTION 287. 16.75 (1) (b) of the statutes is amended to read:

   16.75 (1) (b) When the estimated cost exceeds $25,000, the department shall invite bids to be submitted. The department shall either solicit sealed bids to be opened publicly at a specified date and time, or shall solicit bidding by auction to be conducted electronically at a specified date and time. Whenever bids are invited, due
notice inviting bids shall be published as a class 2 notice, under ch. 985, and the bids or posted on the Internet at a site determined or approved by the department. The bid opening or auction shall not be opened until occur at least 7 days from after the date of the last day of publication insertion of the notice or at least 7 days after the date of posting on the Internet. The official advertisement notice shall specify whether sealed bids are invited or bids will be accepted by auction, and shall give a clear description of the materials, supplies, equipment, or service contractual services to be purchased, the amount of the any bond, share draft, check, or other draft to be submitted as surety with the bid or prior to the auction, and the date of and time that the public opening or the auction will be held.

SECTION 288. 16.75 (1) (cm) of the statutes is created to read:

16.75 (1) (cm) If bids are solicited by auction, the award may be made in accordance with simplified competitive procedures established by the department for such transactions.

SECTION 289. 16.75 (2) (a) of the statutes is amended to read:

16.75 (2) (a) When the department of administration believes that it is to the best interests of the state to purchase certain patented or proprietary articles, other than printing and stationery, it may purchase said articles without the usual statutory procedure. All but all equipment shall be purchased from the lowest and best bidder as determined by the bids and a comparison of the any detailed specifications submitted with the bids, and after due advertisement as hereinbefore provided notice, whenever notice is required under this section. Where the low bid or bids are rejected, a complete written record shall be compiled and filed, giving the reasons in full for such action.

SECTION 290. 16.75 (2m) (b) of the statutes is amended to read:
16.75 (2m) (b) When the estimated cost exceeds $25,000, the department shall publish a class 2 notice under ch. ch. 985 inviting competitive sealed proposals by publishing a class 2 notice under ch. 985 or by posting notice on the Internet at a site determined or approved by the department. The advertisement notice shall describe the materials, supplies, equipment, or service contractual services to be purchased, the intent to solicit make the procurement by solicitation of proposals rather than by solicitation of bids, any requirement for surety and the date the proposals will be opened, which shall be at least 7 days after the date of the last insertion of the notice or at least 7 days after the date of posting on the Internet.

SECTION 291. 16.75 (3t) (a) of the statutes is amended to read:

16.75 (3t) (a) In this subsection, "form" has the meaning given under s. 16.97 22.01 (5p).

SECTION 292. 16.75 (3t) (c) (intro.) of the statutes is amended to read:

16.75 (3t) (c) (intro.) The department of corrections shall periodically provide to the department of administration a current list of all materials, supplies, equipment or contractual services, excluding commodities, that are supplied by prison industries, as created under s. 303.01. The department of administration shall distribute the list to all designated purchasing agents under s. 16.71 (1). Prior except as otherwise provided in sub. (6) (am), prior to seeking bids or competitive sealed proposals with respect to the purchase of any materials, supplies, equipment or contractual services enumerated in the list, the department of administration or any other designated purchasing agent under s. 16.71 (1) shall offer prison industries the opportunity to supply the materials, supplies, equipment or contractual services if the department of corrections is able to provide them at a price comparable to one which may be obtained through competitive bidding or competitive sealed proposals.
and is able to conform to the specifications, provided the specifications are written in accordance with s. 16.72 (2) (d). If the department of administration or other purchasing agent is unable to determine whether the price of prison industries is comparable, it may solicit bids or competitive proposals before awarding the order or contract. This paragraph does not apply to the printing of the following forms:

SECTION 293. 16.75 (6) (am) 1. of the statutes is repealed.

SECTION 294. 16.75 (6) (am) 2. of the statutes is renumbered 16.75 (6) (am) and amended to read:

16.75 (6) (am) Subsections (1) and (3t) do not apply to major procurements by the department of electronic government. Annually not later than October 1, the department of electronic government shall report to the department of administration, in the form specified by the secretary, concerning all procurements by the department of electronic government during the preceding fiscal year that were not made in accordance with the requirements of subs. (1) and (3t).

SECTION 295. 16.75 (6) (c) of the statutes is amended to read:

16.75 (6) (c) If the secretary determines that it is in the best interest of this state to do so, he or she may, with the approval of the governor, waive the requirements of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual services, other than printing and stationery, from a private source other than a source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the purchase is expected to exceed $25,000, the department shall first publish a class 2 notice under ch. 985 or post a notice on the Internet at the site determined or approved by the department under sub. (1) (b) describing the materials, supplies, equipment, or contractual services to be purchased, stating the intent to make the purchase from a private source without soliciting bids or competitive sealed
proposals and stating the date on which the contract or purchase order will be awarded. The date of the award shall be at least 7 days after the date of the last insertion or the date of posting on the Internet.

SECTION 296. 16.751 (1) of the statutes is repealed.

SECTION 297. 16.751 (2) of the statutes is renumbered 16.751 and amended to read:

16.751 Information technology purchases by investment board. The requirements of ss. 16.72 (2) (b) and (d) and 16.75 (1) (a) 1. and (2m) (g) do not apply to procurements authorized to be made by the investment board under s. 16.78 (1) for information technology purposes.

SECTION 298. 16.752 (12) (i) of the statutes is amended to read:

16.752 (12) (i) Paragraph (a) does not apply to major procurements, as defined in s. 16.75 (6) (am) by the department of electronic government.

SECTION 299. 16.765 (1) of the statutes is amended to read:

16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m) or national origin and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

SECTION 300. 16.765 (2) of the statutes is amended to read:
16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract executed by them: “In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause”.

SECTION 301. 16.765 (4) of the statutes is amended to read:

16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation shall take appropriate action to revise the standard government contract forms under this section.

SECTION 302. 16.765 (5) of the statutes is amended to read:

16.765 (5) The head of each contracting agency and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation shall be primarily responsible for obtaining compliance by any
contractor with the nondiscrimination and affirmative action provisions prescribed by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Bradley Center Sports and Entertainment Corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

**SECTION 303.** 16.765 (6) of the statutes is amended to read:

16.765 (6) The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation for processing in accordance with the department’s procedures.

**SECTION 304.** 16.765 (7) (intro.) of the statutes is amended to read:

16.765 (7) (intro.) When a violation of this section has been determined by the department, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation shall:
SECTION 305. 16.765 (7) (d) of the statutes is amended to read:

16.765 (7) (d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, or the Bradley center sports and entertainment corporation.

SECTION 306. 16.765 (8) of the statutes is amended to read:

16.765 (8) If further violations of this section are committed during the term of the contract, the contracting agency, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation may permit the violating party to complete the contract, after complying with this section, but thereafter the contracting agency, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation shall request the department to place the name of the party on the ineligible list for state contracts, or the contracting agency, the Fox River Navigational System Authority, or the Bradley Center Sports and Entertainment Corporation may terminate the contract without liability for the uncompleted portion or any materials or services purchased or paid for by the contracting party for use in completing the contract.

SECTION 307. 16.78 of the statutes is amended to read:

16.78 Purchases from division of information technology services department of electronic government. (1) Every executive branch agency other than the board of regents of the University of Wisconsin system and an agency making purchases under s. 16.74 shall purchase all computer make all purchases of materials, supplies, equipment, and contractual services relating to information technology or telecommunications from the division of information technology
services in the department of administration, electronic government, unless the division department of electronic government requires the agency to purchase the materials, supplies, equipment, or contractual services pursuant to a master contract established under s. 22.05 (2) (h), or grants written authorization to the agency to procure the materials, supplies, equipment, or contractual services under s. 16.75 (1) or (2m), to purchase the materials, supplies, equipment, or contractual services from another agency or to provide the materials, supplies, equipment, or contractual services to itself. The board of regents of the University of Wisconsin System may purchase computer services from the division of information technology services.

(2) Sections 16.705 to 16.767 and 16.77 (1) do not apply to the purchase of computer materials, supplies, equipment, or contractual services by any agency from the division of information technology services under sub. (1).

SECTION 308. 16.80 of the statutes is renumbered 22.19.

SECTION 309. 16.836 of the statutes is repealed.

SECTION 310. 16.838 (1) (b) of the statutes is amended to read:

16.838 (1) (b) “Authority” means a body created under ch. 231, 232, 233, 234, 235.

or 237.

SECTION 311. 16.84 (14) of the statutes is amended to read:

16.84 (14) Provide interagency mail delivery service for agencies, as defined in s. 16.70 (1). The department may charge agencies for this service. Any moneys collected shall be credited to the appropriation account under s. 20.505 (1) (kd) (kb).

SECTION 312. 16.845 (1) of the statutes is amended to read:
16.845 (1) RULE; PENALTY. Except as elsewhere expressly prohibited, the managing authority of any facility owned by the state or by the University of Wisconsin Hospitals and Clinics Authority or leased from the state by the Fox River Navigational System Authority may permit its use for free discussion of public questions, or for civic, social, recreational or athletic activities. No such use shall be permitted if it would unduly burden the managing authority or interfere with the prime use of such facility. The applicant for use shall be liable to the state or to the Fox River Navigational System Authority, or to the University of Wisconsin Hospitals and Clinics Authority for any injury done to its property, for any expense arising out of any such use and for such sum as the managing authority may charge for such use. All such sums payable to the state shall be paid into the general fund and credited to the appropriation account for the operation of the facility used. The managing authority may permit such use notwithstanding the fact that a reasonable admission fee may be charged to the public. Whoever does or attempts to do an act for which a permit is required under this section without first obtaining the permit may be fined not more than $100 or imprisoned not more than 30 days or both. This subsection applies only to those facilities for which a procedure for obtaining a permit has been established by the managing authority.

**SECTION 313.** 16.847 (1) (a) of the statutes is repealed.

**SECTION 314.** 16.847 (2) to (7) of the statutes are repealed.

**SECTION 315.** 16.847 (8) (a) of the statutes is renumbered 16.847 (8) and amended to read:

16.847 (8) REPAYMENT AGREEMENTS. As a condition of receiving a loan under sub. (6), an agency shall enter into an agreement to repay the loan from utility expenses saved by the energy efficiency project. The agreement shall specify the annual
repayment amount and the appropriation to which the loan shall be repaid.

Annually, the department may annually transfer the specified repayment amount from an appropriation described in the agreement to the same account in repayments under agreements to obtain loans from the energy efficiency fund from which the loan was made under s. 16.847 (6), 1999 stats., from the appropriations specified in the agreements to the general fund. The amount of each annual repayment shall equal the amount of annual savings in utility expenses realized as a result of the energy efficiency project that was funded by a loan. The department shall determine the amount of annual savings in utility expenses realized as a result of an energy efficiency project.

SECTION 316. 16.847 (8) (b) of the statutes is repealed.

SECTION 317. 16.847 (9) of the statutes is repealed.

SECTION 318. 16.85 (1) of the statutes is amended to read:

16.85 (1) To take charge of and supervise all engineering or architectural services or construction work as defined in s. 16.87 performed by, or for, the state, or any department, board, institution, commission or officer thereof, including nonprofit−sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the engineering, architectural and construction work of the department of transportation, the engineering service performed by the department of commerce, department of revenue, public service commission, department of health and family services and other departments, boards and commissions when the service is not related to the maintenance, and construction and planning of the physical properties of the state, and energy efficiency projects of the energy efficiency program under s.
16.847. The department shall adopt the architectural and engineering design
proposed by the state fair park board for any project to be constructed for the board,
if the design and specifications conform to applicable laws, rules, codes and
regulations. The department shall not authorize construction work for any state
office facility in the city of Madison after May 11, 1990, unless the department first
provides suitable space for a day care center primarily for use by children of state
employees.

**SECTION 319.** 16.85 (2) of the statutes is amended to read:

16.85 (2) To furnish engineering, architectural, project management and other
building construction services whenever requisitions therefor are presented to the
department by any agency. The department may deposit moneys received from the
provision of these services in the account under s. 20.505 (1) (k) or in the general
fund as general purpose revenue — earned. In this subsection, “agency” means an
office, department, independent agency, institution of higher education, association,
society or other body in state government created or authorized to be created by the
constitution or any law, which is entitled to expend moneys appropriated by law,
including the legislature and the courts, but not including an authority created in
ch. 231, 233 or 234, or 237.

**SECTION 320.** 16.85 (15) of the statutes is amended to read:

16.85 (15) Provide or contract for the provision of professional engineering,
aritectural, project management and other building construction services on
behalf of school districts for the installation or maintenance of electrical and
computer network wiring. The department shall assess fees for services provided
under this subsection and shall credit all revenues received to the appropriation
account under s. 20.505 (1) (im).
SECTION 321. 16.85 (16) of the statutes is created to read:

16.85 (16) To review and approve the design and specifications of any rehabilitation or repair project of the Fox River Navigational System Authority on state-owned land, to approve the decision to proceed with the project, and to periodically review the progress of the project during construction to assure compliance with the approved design and specifications.

SECTION 322. 16.865 (8) of the statutes is amended to read:

16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs and the cost of insurance contracts under sub. (5). In this subsection, “agency” means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in ch. 231, 232, 233, 234, or 235.

SECTION 323. 16.956 of the statutes is created to read:

16.956 Stray voltage and electrical wiring assistance. (1) From the appropriation under s. 20.505 (1) (q), the department shall award grants to operators of dairy, beef, or swine farms for the purpose of eliminating potential stray voltage
concerns and sources and replacing electrical wiring. A farm operator is not eligible to receive a grant under this subsection unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm.

(2) The department shall promulgate rules establishing criteria and procedures for awarding grants under sub. (1), including procedures for assuring that any work is completed in accordance with acceptable practices.

SECTION 324. 16.957 (2) (a) (intro.) of the statutes is amended to read:

16.957 (2) (a) Low-income programs. (intro.) After holding a hearing, establish programs to be administered by the department for awarding grants from the appropriation under s. 20.505 (10) (3) (r) to provide low-income assistance. In each fiscal year, the amount awarded under this paragraph shall be sufficient to ensure that an amount equal to 47% of the sum of the following is spent for weatherization and other energy conservation services:

SECTION 325. 16.957 (2) (b) 1. of the statutes is amended to read:

16.957 (2) (b) 1. Subject to subd. 2., after holding a hearing, establish programs for awarding grants from the appropriation under s. 20.505 (10) (3) (s) for each of the following:

a. Proposals for providing energy conservation or efficiency services. In awarding grants under this subd. 1. a., the department shall give priority to proposals directed at the sectors of energy conservation or efficiency markets that are least competitive and at promoting environmental protection, electric system reliability, or rural economic development. In each fiscal year, 1.75% of the appropriation under s. 20.505 (10) (3) (s) shall be awarded in grants for research and development proposals regarding the environmental impacts of the electric industry.
b. Proposals for encouraging the development or use of customer applications of renewable resources, including educating customers or members about renewable resources or encouraging uses of renewable resources by customers or members or encouraging research technology transfers. In each fiscal year, the department shall ensure that 4.5% of the appropriation under s. 20.505 (10) (3) (s) is awarded in grants under this subd. 1. b.

SECTION 326. 16.963 of the statutes is created to read:

16.963 Education evaluation and accountability. (1) DEFINITION. In this section, “board” means the board on education evaluation and accountability.

(2) DUTIES. The board shall do all of the following:

(a) Appoint an executive director outside the classified service to serve at its pleasure.

(b) Administer the pupil assessment program under s. 118.30 and develop a standardized reading test for use under s. 121.02 (1) (r).

(c) Arrange for an evaluation of the student achievement guarantee program under s. 118.43 (7).

(d) Administer the school performance and educational program review program under s. 115.38.

(3) POWERS. The board may conduct a longitudinal study of the Milwaukee parental choice program under s. 119.23 if the board receives sufficient funds from private sources to do so. If the board conducts a study, it shall report the results to the legislature under s. 13.172 (2) and to the governor.

SECTION 327. 16.964 (1) of the statutes is renumbered 16.964 (1g).

SECTION 328. 16.964 (2) of the statutes is amended to read:
16.964 (2) All persons in charge of law enforcement agencies and other criminal
and juvenile justice system agencies shall supply the office with the information
described in sub. (4) (1g) (g) on the basis of the forms or instructions or both to be
supplied by the office under sub. (4) (1g) (g).

SECTION 329. 16.964 (6) (a) of the statutes is renumbered 16.964 (1d) and
amended to read:

16.964 (1d) In this subsection section, “tribe” means a federally recognized
American Indian tribe or band in this state.

SECTION 330. 16.964 (6) (b) of the statutes is amended to read:

16.964 (6) (b) From the appropriation under s. 20.505 (6) (ks) (kq), the office
shall provide grants to tribes to fund tribal law enforcement operations. To be
eligible for a grant under this subsection, a tribe must submit an application for a
grant to the office that includes a proposed plan for expenditure of the grant moneys.
The office shall review any application and plan submitted to determine whether
that application and plan meet the criteria established under par. (c). The office shall
review the use of grant money provided under this subsection to ensure that the
money is used according to the approved plan.

SECTION 331. 16.964 (7) of the statutes is repealed and recreated to read:

16.964 (7) (a) From the appropriation under s. 20.505 (6) (kq), the office of
justice assistance shall provide grants for cooperative county-tribal law enforcement
services to counties that have one or more federally recognized American Indian
reservations within or partially within their boundaries or that border on one or
more federally recognized American Indian reservations. In order to receive aid
under this subsection, a county must enter into an agreement in accordance with s.
59.54 (12) with an Indian tribe that is located in or borders on the county, to establish
a cooperative county–tribal law enforcement program. The office shall consider a
request for aid under this subsection from any county that meets the eligibility
criteria established under this paragraph and that submits to the office a proposal
for expenditure of grant moneys.

(b) The office may require that a county include the following in its proposal
for aid under this subsection:

1. A description of any cooperative county–tribal law enforcement program or
law enforcement service for which the county requests funding.

2. A description of the population and geographic area that the county proposes
to serve.

3. The county’s need for funding under this subsection and the amount of
funding requested.

4. Identification of the county governmental unit that shall administer any aid
received under this subsection and a description of how that governmental unit shall
disburse any aid received under this subsection.

5. Any information, other than that in subds. 1. to 4., that is required by the
office or considered relevant by the county submitting the application.

(c) The office shall develop criteria and procedures for use in administering this
subsection. Notwithstanding s. 227.10 (1), the criteria and procedures need not be
promulgated as rules under ch. 227.

SECTION 332. 16.965 (2) of the statutes is amended to read:

16.965 (2) From the appropriation appropriations under s. ss. 20.505 (1) (cm)
and (if), the department may provide grants to local governmental units to be used
to finance the cost of planning activities, including contracting for planning
consultant services, public planning sessions and other planning outreach and
educational activities, or for the purchase of computerized planning data, planning software or the hardware required to utilize that data or software. The department shall require any local governmental unit that receives a grant under this section to finance a percentage of the cost of the product or service to be funded by the grant from the resources of the local governmental unit. The department shall determine the percentage of the cost to be funded by a local governmental unit based on the number of applications for grants and the availability of funding to finance grants for the fiscal year in which grants are to be provided. A local governmental unit that desires to receive a grant under this subsection shall file an application with the department. The application shall contain a complete statement of the expenditures proposed to be made for the purposes of the grant. No local governmental unit is eligible to receive a grant under this subsection unless the local governmental unit agrees to utilize the grant to finance planning for all of the purposes specified in s. 66.0295 66.1001 (2).

SECTION 333. 16.965 (3) of the statutes, as affected by 1999 Wisconsin Act 9, section 110p, is repealed and recreated to read:

16.965 (3) Prior to awarding a grant to a local governmental unit under sub. (2), the department shall forward a statement of the expenditures proposed to be made under the grant to the Wisconsin land council for its recommendation concerning approval.

SECTION 334. 16.965 (5) of the statutes, as affected by 1999 Wisconsin Act 9, section 110t, is repealed and recreated to read:

16.965 (5) The department may promulgate rules specifying the methodology whereby precedence will be accorded to applications in awarding grants under sub. (2).
SECTION 335. 16.9651 (1) of the statutes is renumbered 16.9651 (1) (intro.) and amended to read:

16.9651 (1) (intro.) In this section,"local:

(b) "Local governmental unit" means a county, city, village, town or, regional planning commission, or metropolitan planning organization, as defined in s. 85.243 (1) (c).

SECTION 336. 16.9651 (1) (a) of the statutes is created to read:

16.9651 (1) (a) "Highway corridor" means the area up to 10 miles on either side of a state trunk highway that is identified in a transportation planning process by the department of transportation to need additional capacity for vehicular traffic or to have possible safety or operational problems resulting from pressure for development adjacent to the highway.

SECTION 337. 16.9651 (2) of the statutes is renumbered 16.9651 (2) (intro.) and amended to read:

16.9651 (2) (intro.) From the appropriation under s. 20.505 (1) (z), the department may provide grants to local governmental units to be used to for any of the following:

(a) To finance the cost of planning activities related to the transportation element, as described in s. 66.0295 66.1001 (2) (c), of a comprehensive plan, as defined in s. 66.0295 66.1001 (1) (a), including contracting for planning consultant services, public planning sessions, and other planning outreach and educational activities, or for the purchase of computerized planning data, planning software, or the hardware required to utilize that data or software.

(4) The department may require any local governmental unit that receives a grant under this section to finance not more than 25% of the cost of the product or
service to be funded by the grant from the resources of the local governmental unit.

Prior to awarding a grant under this section, the department shall forward a detailed statement of the expenditures to be made under the grant to the Wisconsin land council for its recommendation concerning approval. The department shall also forward a detailed statement of the proposed expenditures to be made under the grant to the secretary of transportation and obtain his or her written approval of the proposed expenditures.

**SECTION 338.** 16.9651 (2) (b) of the statutes is created to read:

16.9651 (2) (b) To assist local governmental units in the integrated transportation and land-use planning for highway corridors. All highway corridor planning activities shall be coordinated with any adopted state, regional, or local plan. Activities under this subsection may include any of the following:

1. Identifying existing zoning and land-use issues.
2. Identifying existing and planned transportation facilities and services.
3. Analyzing future transportation needs.
4. Identifying areas for future development.
5. Identifying specific strategies to ensure better coordination of future development and transportation needs in the corridor.

**SECTION 339.** 16.9651 (3) of the statutes is created to read:

16.9651 (3) In awarding grants under this section, the department shall give priority in each fiscal year in the following order:

(a) To a grant for the purposes specified in sub. (2) (a) and (b).
(b) To a grant for the purpose specified in sub. (2) (a).
(c) To a grant for the purpose specified in sub. (2) (b).

**SECTION 340.** 16.9651 (5) of the statutes is created to read:
16.9651 (5) In consultation with the department of transportation, the
department of administration shall promulgate rules necessary to administer this
section.

SECTION 341. 16.966 (1) and (2) of the statutes, as affected by 1997 Wisconsin
Act 27, section 133b, are repealed and recreated to read:

16.966 (1) In this section, “state agency” has the meaning given for “agency”
under s. 16.045 (1) (a).

(2) The department may assess any state agency for any amount that it
determines to be required for the functions of the Wisconsin land council under s.
16.023. For this purpose, the department may assess state agencies on a premium
basis and pay costs incurred on an actual basis. The department shall credit all
moneys received from state agencies under this subsection to the appropriation
account under s. 20.505 (1) (kt).

SECTION 342. 16.966 (4) of the statutes, as affected by 1997 Wisconsin Act 27,
section 133d, is repealed.

SECTION 343. 16.967 of the statutes, as affected by 1997 Wisconsin Act 27,
section 141am, and 1999 Wisconsin Act 9, section 114n, is repealed and recreated to
read:

16.967 Land information program. (1) Definitions. In this section:

(b) “Land information” means any physical, legal, economic, or environmental
information or characteristics concerning land, water, groundwater, subsurface
resources, or air in this state. “Land information” includes information relating to
topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife,
associated natural resources, land ownership, land use, land use controls and
restrictions, jurisdictional boundaries, tax assessment, land value, land survey
records and references, geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites, and economic projections.

(c) “Land information system” means an orderly method of organizing and managing land information and land records.

(d) “Land records” means maps, documents, computer files, and any other information storage medium in which land information is recorded.

(e) “Systems integration” means land information that is housed in one jurisdiction or jurisdictional subunit and is available to other jurisdictions, jurisdictional subunits, public utilities, and other private sector interests.

(3) Duties of the Department. The department shall direct and supervise the land information program and serve as the state clearinghouse for access to land information. In addition, the department shall:

(a) Provide technical assistance and advice to state agencies and local governmental units with land information responsibilities.

(b) Maintain and distribute an inventory of land information available for this state, land records available for this state, and land information systems.

(c) Prepare guidelines to coordinate the modernization of land records and land information systems.

(d) Review project applications received under sub. (7) and determine which projects are approved.

(e) Review for approval a countywide plan for land records modernization prepared under s. 59.72 (3) (b).

(f) Prior to the beginning of each fiscal year, provide to the Wisconsin land council a statement of the department’s proposed expenditures under s. 20.505 (1)
(ie) relating to the land information program and aids to counties for land information projects for that fiscal year.

(4) **FUNDING REPORT.** The department shall identify and study possible program revenue sources or other revenue sources for the purpose of funding the operations of the department under this section, including grants to counties under sub. (7).

(6) **REPORTS.** By March 31, 1990, and biennially thereafter, the department of agriculture, trade and consumer protection, the department of commerce, the department of health and family services, the department of natural resources, the department of tourism, the department of revenue, the department of transportation, the board of regents of the University of Wisconsin System, the public service commission, and the board of curators of the historical society shall each submit to the department a plan to integrate land information to enable such information to be readily translatable, retrievable, and geographically referenced for use by any state, local governmental unit, or public utility, except that beginning with the plan that is due on March 31, 2002, the department of revenue is not required to submit a plan under this subsection.

(7) **AID TO COUNTIES.** (a) A county board that has established a county land information office under s. 59.72 (3) may apply to the department on behalf of any local governmental unit, as defined in s. 59.72 (1) (c), located wholly or partially within the county for a grant for any of the following projects:

1. The design, development, and implementation of a land information system that contains and integrates, at a minimum, property and ownership records with boundary information, including a parcel identifier referenced to the U.S. public land survey; tax and assessment information; soil surveys, if available; wetlands
identified by the department of natural resources; a modern geodetic reference
system; current zoning restrictions; and restrictive covenants.

2. The preparation of parcel property maps that refer boundaries to the public
land survey system and are suitable for use by local governmental units for accurate
land title boundary line or land survey line information.

3. The preparation of maps that include a statement documenting accuracy if
the maps do not refer boundaries to the public land survey system and that are
suitable for use by local governmental units for planning purposes.


(b) Grants shall be paid from the appropriation under s. 20.505 (1) (ie). A grant
under this subsection may not exceed $100,000. The department may award more
than one grant to a county board.

(8) ADVICE; COOPERATION. In carrying out its duties under this section, the
department may seek advice and assistance from the University of Wisconsin
System, state agencies, local governmental units, and other experts involved in
collecting and managing land information. State agencies shall cooperate with the
department in the coordination of land information collection.

(9) TECHNICAL ASSISTANCE; EDUCATION. The department may provide technical
assistance to counties and conduct educational seminars, courses, or conferences
relating to land information.

(10) SOIL SURVEYS AND MAPPING. The department may conduct soil surveys and
soil mapping activities.

SECTION 344. 16.968 of the statutes, as affected by 1997 Wisconsin Act 27,
section 142am, is repealed and recreated to read:
16.968 **Groundwater survey and analysis.** The department shall allocate funds for programs of groundwater survey and analysis to the department of natural resources and the geological and natural history survey following review and approval of a mutually agreed upon division of responsibilities concerning groundwater programs between the department of natural resources and the geological and natural history survey, a specific expenditure plan, and groundwater data collection standards consistent with the purposes of s. 16.967. State funds allocated under this section shall be used to match available federal funds prior to being used for solely state-funded activities.

**SECTION 345.** Subchapter VII (title) of chapter 16 [precedes 16.97] of the statutes is amended to read:

**CHAPTER 16**

**SUBCHAPTER VII**

**INFORMATION EDUCATIONAL TECHNOLOGY**

**SECTION 346.** 16.97 (intro.) of the statutes is renumbered 22.01 (intro.) and amended to read:

**22.01 Definitions.** (intro.) In this subchapter chapter:

**SECTION 347.** 16.97 (1) to (9) of the statutes are renumbered 22.01 (1) to (9).

**SECTION 348.** 16.97 (10) of the statutes is renumbered 16.97 and amended to read:

**16.97 Definition.** “Telecommunications” means the electronic movement of information in any form from one point to another. In this subchapter, “telecommunications” has the meaning given in s. 22.01 (10).

**SECTION 349.** 16.971 (title) of the statutes is renumbered 22.03 (title).
SECTION 350. 16.971 (1) of the statutes is repealed.

SECTION 351. 16.971 (1m) of the statutes is renumbered 22.03 (2) (a) and amended to read:

22.03 (2) (a) The department shall ensure that an adequate level of information technology services is made available to all agencies by providing systems analysis and application programming services to augment agency resources, as requested. The department shall also ensure that executive branch agencies make effective and efficient use of the information technology resources of the state. The department shall, in cooperation with agencies, establish policies, procedures and planning processes, for the administration of information technology services, which executive branch agencies shall follow. The policies, procedures and processes shall address the needs of agencies to carry out their functions. The department shall monitor adherence to these policies, procedures and processes.

SECTION 352. 16.971 (2) (intro.) of the statutes is renumbered 22.03 (2) (intro.) and amended to read:

22.03 (2) (intro.) The department shall:

SECTION 353. 16.971 (2) (a) of the statutes is renumbered 22.03 (2) (ae) and amended to read:

22.03 (2) (ae) Except as provided in sub. (2m), review and approve, modify or reject all forms approved by a records and forms officer for jurisdiction, authority, standardization of design and nonduplication of existing forms. Unless the department rejects for cause or modifies the form within 20 working days after receipt, it is considered approved. The department’s rejection of any form is appealable to the public records board. If the head of an agency certifies to the
division department that the form is needed on a temporary basis, approval by the division department is not required.

SECTION 354. 16.971 (2) (am) to (k) of the statutes are renumbered 22.03 (2) (am) to (k).

SECTION 355. 16.971 (2) (L) to (m) of the statutes are renumbered 22.03 (2) (L) to (m) and amended to read:

22.03 (2) (L) Require each executive branch agency to adopt, revise biennially, and submit for its approval, to the department, in a form specified by the department, no later than March 1 of each year, a strategic plan for the utilization of information technology to carry out the functions of the agency. As a part of each plan, the division shall require each executive branch agency to address the business needs of the agency and to identify all proposed information technology development projects that serve those business needs, the priority for undertaking such projects and the justification for each project, including the anticipated benefits of the project. Each plan shall identify any changes in the functioning of the agency under the plan. The division shall consult with the joint committee on information policy and technology in providing guidance for and scheduling of planning by executive branch agencies in the succeeding fiscal year for review and approval under s. 22.13.

(Lm) No later than 60 days after enactment of each biennial budget act, require each executive branch agency that receives funding under that act for an information technology development project to file with the division department an amendment to its strategic plan for the utilization of information technology under par. (L). The amendment shall identify each information technology development project for which funding is provided under that act and shall specify, in a form prescribed by
the secretary, chief information officer, the benefits that the agency expects to realize from undertaking the project.

(m) Assist in coordination and integration of the plans of executive branch agencies relating to information technology approved under par. (L) and, using these plans and the statewide long-range telecommunications plan under s. 16.99 22.41 (2) (a), formulate and revise biennially a consistent statewide strategic plan for the use and application of information technology. The division department shall, no later than September 15 of each even-numbered year, submit the statewide strategic plan to the cochairpersons of the joint committee on information policy and technology and the governor.

SECTION 356. 16.971 (2) (n) and (2m) of the statutes are renumbered 22.03 (2) (n) and (2m).

SECTION 357. 16.971 (3) of the statutes is repealed.

SECTION 358. 16.971 (4) and (6) of the statutes are renumbered 22.03 (4) and (6).

SECTION 359. 16.971 (9) of the statutes is renumbered 22.03 (9) and amended to read:

22.03 (9) In conjunction with the public defender board, the director of state courts, the departments of corrections and justice and district attorneys, the division department of electronic government may maintain, promote and coordinate automated justice information systems that are compatible among counties and the officers and agencies specified in this subsection, using the moneys appropriated under s. 20.505 20.530 (1) (ja), (kp) and (kq). The division department of electronic government shall annually report to the legislature under s. 13.172 (2) concerning
the division’s department’s efforts to improve and increase the efficiency of integration of justice information systems.

**SECTION 360.** 16.971 (11) of the statutes is renumbered 22.03 (11) and amended to read:

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

**SECTION 361.** 16.973 (title) of the statutes is renumbered 22.05 (title) and amended to read:

22.05 (title) **Powers of the division of information technology services department.**

**SECTION 362.** 16.973 (1) (intro.) and (b) to (d) of the statutes are renumbered 22.05 (1) (intro.) and (b) to (d).

**SECTION 363.** 16.973 (1) (a) of the statutes is renumbered 22.05 (1) (ag).

**SECTION 364.** 16.973 (2) (intro.) and (a) to (d) of the statutes are renumbered 22.05 (2) (intro.) and (a) to (d) and amended to read:

22.05 (2) (intro.) The division of information technology services department may:

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

(b) Provide such computer services and telecommunications services to local governmental units and the broadcasting corporation and provide such telecommunications services to qualified private schools, postsecondary institutions, museums and zoos, as the division department considers to be appropriate and as the division department can efficiently and economically provide.
The division department may exercise this power only if in doing so it maintains the services it provides at least at the same levels that it provides prior to exercising this power and it does not increase the rates chargeable to users served prior to exercise of this power as a result of exercising this power. The division department may charge local governmental units, the broadcasting corporation, and qualified private schools, postsecondary institutions, museums and zoos, for services provided to them under this paragraph in accordance with a methodology determined by the secretary chief information officer. Use of telecommunications services by a qualified private school or postsecondary institution shall be subject to the same terms and conditions that apply to a municipality using the same services. The division department shall prescribe eligibility requirements for qualified museums and zoos to receive telecommunications services under this paragraph.

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

(d) Undertake such studies, contract for the performance of such studies, and appoint such councils and committees for advisory purposes as the division department considers appropriate to ensure that the division’s department’s plans,
capital investments and operating priorities meet the needs of state government and
of agencies and of local governmental units and entities in the private sector served
by the division department. The division department may compensate members of
any council or committee for their services and may reimburse such members for
their actual and necessary expenses incurred in the discharge of their duties.

SECTION 365. 16.973 (2) (e) of the statutes is renumbered 22.05 (2) (e).

SECTION 366. 16.974 (intro.) of the statutes is amended to read:

16.974 Duties of the division of information technology services
department. (intro.) The division of information technology services department
shall:

SECTION 367. 16.974 (1) of the statutes is renumbered 22.07 (1) and amended
to read:

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

SECTION 368. 16.974 (3) of the statutes is renumbered 22.07 (3).

SECTION 369. 16.974 (4) to (6) of the statutes are renumbered 22.07 (4) to (6)
and amended to read:

22.07 (4) Ensure responsiveness to the needs of agencies for delivery of
high-quality information technology processing services on an efficient and
economical basis, while not unduly affecting the privacy of individuals who are the
subjects of the information being processed by the division department.
(5) Utilize all feasible technical means to ensure the security of all information submitted to the division department for processing by agencies, local governmental units and entities in the private sector.

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

**SECTION 370.** 16.974 (7) (a) of the statutes is renumbered 16.974 (1) and amended to read:

16.974 (1) Coordinate with the technology for educational achievement in Wisconsin board to provide secured correctional facilities, as defined in s. 44.70 (3r), school districts and cooperative educational service agencies with telecommunications access under s. 44.73 and contract with telecommunications providers to provide such access.

**SECTION 371.** 16.974 (7) (b) to (d) of the statutes are renumbered 16.974 (2) to (4).

**SECTION 372.** 16.975 of the statutes is renumbered 22.11 and amended to read:

**22.11 Access to information.** The division of information technology services department shall withhold from access under s. 19.35 (1) all information submitted to the division department by agencies, authorities, units of the federal government, local governmental units or entities in the private sector for the purpose of processing. The division department may not process such information without the consent of the agency, authority, unit or other entity which submitted the information and may not withhold such information from the agency, authority, unit or other entity or from any other person authorized by the agency, authority, unit or
entity to have access to the information. The agency, authority, unit or other entity
submitting the information remains the custodian of the information while it is in
the custody of the division department and access to such information by that agency,
authority, unit or entity or any other person shall be determined by that agency,
authority, unit or other entity and in accordance with law.

SECTION 373. 16.979 of the statutes is renumbered 16.006.

SECTION 374. Subchapter IX (title) of chapter 16 [precedes 16.99] of the
statutes is repealed.

SECTION 375. 16.99 (title) of the statutes is renumbered 22.41 (title).

SECTION 376. 16.99 (1) of the statutes is repealed.

SECTION 377. 16.99 (2) (intro.) and (a) of the statutes are renumbered 22.41 (2)
(intro.) and (a) and amended to read:

22.41 (2) (intro.) POWERS AND DUTIES. (intro.) The department shall ensure
maximum utility, cost–benefit and operational efficiency of all telecommunications
systems and activities of this state, and those which interface with cities, counties,
villages, towns, other states and the federal government. The department, with the
assistance and cooperation of all other departments agencies, shall:

(a) Develop and maintain a statewide long–range telecommunications plan,
which will serve as a major element for budget preparation, as guidance for technical
implementation and as a means of ensuring the maximum use of shared systems by
departments agencies when this would result in operational or economic
improvements or both.

SECTION 378. 16.99 (2) (b) to (e) of the statutes are renumbered 22.41 (2) (b) to
(e).
SECTION 379. 16.99 (2) (f) of the statutes is renumbered 22.41 (2) (f) and amended to read:

22.41 (2) (f) Perform the functions of agency telecommunications officer for those departments agencies with no designated focal point for telecommunications planning, coordination, technical review and procurement.

SECTION 380. 16.99 (3) of the statutes is renumbered 22.41 (3).

SECTION 381. 17.15 (4) of the statutes is repealed.

SECTION 382. 17.27 (1r) of the statutes is repealed.

SECTION 383. 19.36 (4) of the statutes is amended to read:

19.36 (4) COMPUTER PROGRAMS AND DATA. A computer program, as defined in s. 16.971 22.03 (4) (c), is not subject to examination or copying under s. 19.35 (1), but the material used as input for a computer program or the material produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in s. 19.35 or this section.

SECTION 384. 19.42 (10) (m) of the statutes is repealed.

SECTION 385. 19.42 (10) (o) of the statutes is created to read:

19.42 (10) (o) The chief executive officer and members of the board of directors of the Fox River Navigational System Authority.

SECTION 386. 19.42 (10) (p) of the statutes is created to read:

19.42 (10) (p) A member of the public broadcasting transitional board under s. 15.98 (2) (e).

SECTION 387. 19.42 (13) (L) of the statutes is repealed.

SECTION 388. 19.42 (13) (n) of the statutes is created to read:

19.42 (13) (n) The chief executive officer and members of the board of directors of the Fox River Navigational System Authority.
SECTION 389. 19.42 (13) (p) of the statutes is created to read:

19.42 (13) (p) A member of the public broadcasting transitional board under
s. 15.98 (2) (e).

SECTION 390. 20.001 (2) (c) of the statutes is amended to read:

20.001 (2) (c) Program revenues-service. “Program revenues-service”, are
indicated by the abbreviation “PR-S” in s. 20.005, and, except as provided in s. 20.530
(1) (kp), consist of appropriated moneys in the general fund derived from any revenue
source that are transferred between or within state agencies or miscellaneous
appropriations. These Except as provided in s. 20.530 (1) (kp), these moneys are
shown as expenditures in the appropriation of the state agency or program from
which the moneys are transferred and are also shown as program revenue in the
appropriation of the agency or program to which the moneys are transferred. For any
program revenue-service appropriation which is limited to the amounts in the
schedule, no expenditure may be made exceeding the amounts in the schedule,
except as provided in ss. 13.101 and 16.515, regardless of the amounts credited to the
account from which the appropriation is made.

SECTION 391. 20.002 (11) (d) 7. of the statutes is amended to read:

20.002 (11) (d) 7. The fish and wildlife account within the conservation fund
under s. 25.29 (3).

SECTION 392. 20.003 (4) (d) of the statutes is amended to read:

20.003 (4) (d) For fiscal year 2002-03, 1.4% 1.2%.

SECTION 393. 20.005 (1) of the statutes is repealed and recreated to read:

20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for
the state of Wisconsin for all funds beginning on July 1, 2001, and ending on June
30, 2003, is summarized as follows: [See Figure 20.005 (1) following]
## GENERAL FUND SUMMARY

<table>
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<tr>
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<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td><strong>Opening Balance, July 1</strong></td>
<td>$293,270,900</td>
<td>$236,334,800</td>
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<td><strong>Revenues and Transfers</strong></td>
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<tr>
<td>Estimated Taxes</td>
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<td>Estimated Departmental Revenues</td>
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<td>Tobacco Settlement</td>
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<td>Other</td>
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<td><strong>Appropriations, Transfers and Reserves</strong></td>
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<tr>
<td>Gross Appropriations</td>
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<td>Compensation Reserves</td>
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<td>Transfer to Tobacco Control Fund</td>
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<td>Less Estimated Lapses</td>
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<td><strong>Balances</strong></td>
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<td>Gross Balance</td>
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<td>Less Required Statutory Balance</td>
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<td><strong>Net Balance, June 30</strong></td>
<td>$96,881,300</td>
<td>$1,204,500</td>
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### SUMMARY OF APPROPRIATIONS — ALL FUNDS

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<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>General Purpose Revenue</td>
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| Federal Revenue
### Program Revenue

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<th>2002-03</th>
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</thead>
<tbody>
<tr>
<td>Program Revenue</td>
<td>4,815,882,800</td>
<td>4,840,184,700</td>
</tr>
<tr>
<td>Segregated Revenue</td>
<td>695,249,000</td>
<td>738,878,700</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$5,511,131,800</td>
<td>$5,579,063,400</td>
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</table>

#### Program Revenue

<table>
<thead>
<tr>
<th></th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>2,200,553,400</td>
<td>2,262,704,200</td>
</tr>
<tr>
<td>Service</td>
<td>775,561,000</td>
<td>757,958,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,976,114,400</td>
<td>$3,020,662,200</td>
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</tbody>
</table>

#### Segregated Revenue

<table>
<thead>
<tr>
<th></th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>2,815,817,400</td>
<td>2,552,443,200</td>
</tr>
<tr>
<td>Local</td>
<td>74,361,000</td>
<td>76,154,400</td>
</tr>
<tr>
<td>Service</td>
<td>158,154,400</td>
<td>169,910,200</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$3,048,332,800</td>
<td>$2,798,507,800</td>
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#### GRAND TOTAL

<table>
<thead>
<tr>
<th></th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>$23,128,799,800</td>
<td>$23,271,811,700</td>
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### SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

<table>
<thead>
<tr>
<th></th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>General Purpose Revenue</td>
<td>$27,900,000</td>
<td>$82,500,000</td>
</tr>
<tr>
<td>Federal Revenue</td>
<td>7,565,700</td>
<td>22,503,500</td>
</tr>
<tr>
<td>Program Revenue</td>
<td>20,465,700</td>
<td>60,593,100</td>
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<tr>
<td>Segregated Revenue</td>
<td>4,765,300</td>
<td>14,108,600</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$60,696,700</td>
<td>$179,705,200</td>
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## ASSEMBLY BILL 144

### LOTTERY FUND SUMMARY

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<thead>
<tr>
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<th>2001–02</th>
<th>2002–03</th>
</tr>
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<tbody>
<tr>
<td><strong>Gross Revenue</strong></td>
<td>$412,476,100</td>
<td>$414,328,300</td>
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<tr>
<td><strong>Expenses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prizes</td>
<td>$235,854,400</td>
<td>$236,834,100</td>
</tr>
<tr>
<td>Administrative Expenses</td>
<td>64,206,600</td>
<td>64,884,200</td>
</tr>
<tr>
<td><strong>Net Proceeds</strong></td>
<td>$300,061,000</td>
<td>$301,718,300</td>
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<tr>
<td><strong>Total Available for Property Tax Relief</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Opening Balance</td>
<td>$8,184,100</td>
<td>$8,249,500</td>
</tr>
<tr>
<td>Net Proceeds</td>
<td>112,415,100</td>
<td>112,610,000</td>
</tr>
<tr>
<td>Interest Earnings</td>
<td>2,868,700</td>
<td>2,814,300</td>
</tr>
<tr>
<td>Gaming–Related Revenue</td>
<td>2,532,200</td>
<td>2,306,100</td>
</tr>
<tr>
<td><strong>Property Tax Relief</strong></td>
<td>$126,000,100</td>
<td>$125,979,900</td>
</tr>
<tr>
<td><strong>Gross Closing Balance</strong></td>
<td>$8,249,500</td>
<td>$8,286,600</td>
</tr>
<tr>
<td><strong>Reserve</strong></td>
<td>$ (8,249,500)</td>
<td>$ (8,286,600)</td>
</tr>
<tr>
<td><strong>Net Closing Balance</strong></td>
<td>–0–</td>
<td>–0–</td>
</tr>
</tbody>
</table>

---

1. **SECTION 394.** 20.005 (2) of the statutes is repealed and recreated to read:

2. 20.005 (2) **STATE BORROWING PROGRAM SUMMARY.** The following schedule sets forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b) following]
### SUMMARY OF BONDING AUTHORITY MODIFICATIONS
#### 2001-03 FISCAL BIENNium

<table>
<thead>
<tr>
<th>Source and Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL OBLIGATIONS</strong></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td></td>
</tr>
<tr>
<td>Educational communications facilities</td>
<td>$8,658,100</td>
</tr>
<tr>
<td>Agriculture, Trade and Consumer Protection</td>
<td></td>
</tr>
<tr>
<td>Soil and water</td>
<td>7,000,000</td>
</tr>
<tr>
<td>Environmental Improvement Program</td>
<td></td>
</tr>
<tr>
<td>Clean water fund program</td>
<td>85,000,000</td>
</tr>
<tr>
<td>Natural Resources</td>
<td></td>
</tr>
<tr>
<td>Nonpoint source grants</td>
<td>22,400,000</td>
</tr>
<tr>
<td>Environmental repair</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Urban nonpoint source cost sharing</td>
<td>11,000,000</td>
</tr>
<tr>
<td>Segregated revenue supported dam safety projects</td>
<td>250,000</td>
</tr>
<tr>
<td>Pollution abatement and sewage collection facilities</td>
<td>-8,956,400</td>
</tr>
<tr>
<td>Technology for Educational Achievement in Wisconsin Board</td>
<td></td>
</tr>
<tr>
<td>Public library educational technology infrastructure</td>
<td></td>
</tr>
<tr>
<td>financial assistance – wiring</td>
<td>-5,000,000</td>
</tr>
<tr>
<td>Public library educational technology infrastructure</td>
<td></td>
</tr>
<tr>
<td>financial assistance – communications hardware</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Transportation</td>
<td></td>
</tr>
<tr>
<td>Harbor improvements</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Rail acquisitions and improvements</td>
<td>4,500,000</td>
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</tbody>
</table>
## Source and Purpose

**Veterans Affairs**

<table>
<thead>
<tr>
<th>Source and Purpose</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Self-amortizing mortgage loans</td>
<td>$100,340,000</td>
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</table>

**TOTAL General Obligation Bonds**

<table>
<thead>
<tr>
<th>Source and Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$238,191,700</td>
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### REVENUE OBLIGATIONS

**Commerce**

<table>
<thead>
<tr>
<th>Source and Purpose</th>
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<tbody>
<tr>
<td>PECFA</td>
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**Environmental Improvement Program**

<table>
<thead>
<tr>
<th>Source and Purpose</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Clean water fund program</td>
<td>$92,000,00</td>
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**Transportation**

<table>
<thead>
<tr>
<th>Source and Purpose</th>
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<tbody>
<tr>
<td>Major highway projects</td>
<td>$296,485,400</td>
</tr>
<tr>
<td>Marquette interchange reconstruction</td>
<td>$6,996,600</td>
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**TOTAL Revenue Obligation Bonds**

<table>
<thead>
<tr>
<th>Source and Purpose</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
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<td>$495,482,00</td>
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**GRAND TOTAL Bonding Authority Modifications**

<table>
<thead>
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<th>Source and Purpose</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$733,673,700</td>
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</tbody>
</table>

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**Figure: 20.005 (2) (b)**

### GENERAL OBLIGATION AND BUILDING CORPORATION DEBT SERVICE

**FISCAL YEARS 2001-02 AND 2002-03**

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.115 Agriculture, trade and consumer protection, department of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) (d) Principal repayment and interest</td>
<td>GPR</td>
<td>$17,600</td>
<td>$17,500</td>
</tr>
<tr>
<td>(7) (b) Principal repayment and interest, conservation enhancement reserve</td>
<td>GPR</td>
<td>975,300</td>
<td>2,583,300</td>
</tr>
<tr>
<td>(7) (f) Principal repayment and interest; soil and water</td>
<td>GPR</td>
<td>254,500</td>
<td>429,800</td>
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</table>
### Statute, Agency and Purpose

<table>
<thead>
<tr>
<th>Clause</th>
<th>Source</th>
<th>2001–02</th>
<th>2002–03</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20.190 State fair park board</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) (c) Housing facilities principal repayment, interest and rebates</td>
<td>GPR</td>
<td>895,300</td>
<td>894,700</td>
</tr>
<tr>
<td>(1) (d) Principal repayment and interest</td>
<td>GPR</td>
<td>193,600</td>
<td>246,800</td>
</tr>
<tr>
<td><strong>20.225 Educational communications board</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(1) (c) Principal repayment and interest</td>
<td>GPR</td>
<td>844,000</td>
<td>846,300</td>
</tr>
<tr>
<td><strong>20.245 Historical society</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) (e) Principal repayment, interest and rebates</td>
<td>GPR</td>
<td>1,303,200</td>
<td>1,172,500</td>
</tr>
<tr>
<td><strong>20.250 Medical College of Wisconsin</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) (e) Principal repayment and interest</td>
<td>GPR</td>
<td>158,600</td>
<td>158,700</td>
</tr>
<tr>
<td><strong>20.255 Public instruction, department of</strong></td>
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<td></td>
</tr>
<tr>
<td>(1) (d) Principal repayment and interest</td>
<td>GPR</td>
<td>1,133,100</td>
<td>1,033,500</td>
</tr>
<tr>
<td><strong>20.275 Technology for educational achievement in Wisconsin board</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) (er) Principal, interest and rebates; general purpose revenue – public library boards</td>
<td>GPR</td>
<td>259,800</td>
<td>610,600</td>
</tr>
<tr>
<td>(1) (es) Principal, interest and rebates; general purpose revenue – school boards</td>
<td>GPR</td>
<td>3,663,100</td>
<td>5,419,900</td>
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<tr>
<td><strong>20.285 University of Wisconsin System</strong></td>
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<td></td>
<td></td>
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<tr>
<td>(1) (d) Principal repayment and interest</td>
<td>GPR</td>
<td>91,158,500</td>
<td>85,525,100</td>
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<tr>
<td>(1) (db) Self-amortizing facilities principal and interest</td>
<td>GPR</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(1) (fh) State laboratory of hygiene; principal repayment and interest</td>
<td>GPR</td>
<td>-0-</td>
<td>-0-</td>
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</tbody>
</table>
### ASSEMBLY BILL 144

**Statute, Agency and Purpose**

<table>
<thead>
<tr>
<th>Source</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20.320 Environmental improvement program</strong></td>
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<td></td>
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<tr>
<td>(1) (c) Principal repayment and interest – clean water fund program</td>
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<td>29,162,700</td>
</tr>
<tr>
<td>(2) (c) Principal repayment and interest – safe drinking water loan program</td>
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<td>1,625,700</td>
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<tr>
<td><strong>20.370 Natural resources, department of</strong></td>
<td></td>
<td></td>
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<tr>
<td>(7) (aa) Resource acquisition and development – principal repayment and interest</td>
<td>GPR</td>
<td>21,481,500</td>
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<tr>
<td>(7) (ac) Principal repayment and interest – recreational boating bonds</td>
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<td>–0–</td>
</tr>
<tr>
<td>(7) (ba) Debt service – remedial action</td>
<td>GPR</td>
<td>2,428,500</td>
</tr>
<tr>
<td>(7) (ca) Principal repayment and interest – nonpoint source grants</td>
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<td>3,363,600</td>
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<tr>
<td>(7) (cb) Principal repayment and interest – pollution abatement bonds</td>
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<td>64,613,300</td>
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<tr>
<td>(7) (cc) Principal repayment and interest – combined sewer overflow; pollution abatement</td>
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<td>17,316,300</td>
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<tr>
<td>(7) (cd) Principal repayment and interest – municipal clean drinking water grants</td>
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<td>845,900</td>
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<td>(7) (ce) Principal repayment and interest – nonpoint source</td>
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<td>140,800</td>
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<tr>
<td>(7) (cf) Principal repayment and interest – urban nonpoint source cost–sharing</td>
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<td>443,300</td>
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<tr>
<td>(7) (ea) Administrative facilities – principal repayment and interest</td>
<td>GPR</td>
<td>589,500</td>
</tr>
<tr>
<td>Statute, Agency and Purpose</td>
<td>Source</td>
<td>2001–02</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>20.395 Transportation, department of</strong></td>
<td></td>
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<tr>
<td>(6) (af) Principal repayment and interest, local roads for job preservation, state funds</td>
<td>GPR</td>
<td>389,500</td>
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<tr>
<td><strong>20.410 Corrections, department of</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) (e) Principal repayment and interest</td>
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<td>70,176,200</td>
</tr>
<tr>
<td>(1) (ec) Prison industries principal, interest and rebates</td>
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</tr>
<tr>
<td>(3) (e) Principal repayment and interest</td>
<td>GPR</td>
<td>4,171,700</td>
</tr>
<tr>
<td><strong>20.435 Health and family services, department of</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) (ee) Principal repayment and interest</td>
<td>GPR</td>
<td>12,481,000</td>
</tr>
<tr>
<td>(2) (ef) Lease rental payments</td>
<td>GPR</td>
<td>–0–</td>
</tr>
<tr>
<td>(6) (e) Principal repayment and interest</td>
<td>GPR</td>
<td>54,000</td>
</tr>
<tr>
<td><strong>20.465 Military affairs, department of</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) (d) Principal repayment and interest</td>
<td>GPR</td>
<td>2,984,900</td>
</tr>
<tr>
<td><strong>20.485 Veterans affairs, department of</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) (e) Lease rental payments</td>
<td>GPR</td>
<td>–0–</td>
</tr>
<tr>
<td>(1) (f) Principal repayment and interest</td>
<td>GPR</td>
<td>1,339,700</td>
</tr>
<tr>
<td><strong>20.505 Administration, department of</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) (c) Principal repayment and interest; Black Point Estate</td>
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<td>35,500</td>
</tr>
<tr>
<td>(9) (b) Former educational communications board principal repayment and interest</td>
<td>GPR</td>
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</tr>
<tr>
<td><strong>20.855 Miscellaneous appropriations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(8) (a) Dental clinic and education facility; principal repayment, interest and rebates</td>
<td>GPR</td>
<td>442,600</td>
</tr>
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</table>
### Statute, Agency and Purpose

#### 20.867 Building commission

<table>
<thead>
<tr>
<th>Source</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
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<tbody>
<tr>
<td><strong>Principal repayment and interest; housing of state agencies</strong></td>
<td>GPR</td>
<td>-0-</td>
</tr>
<tr>
<td><strong>Principal repayment and interest; capitol and executive residence</strong></td>
<td>GPR</td>
<td>6,337,300</td>
</tr>
<tr>
<td><strong>Principal repayment and interest</strong></td>
<td>GPR</td>
<td>34,851,700</td>
</tr>
<tr>
<td><strong>Principal repayment and interest</strong></td>
<td>GPR</td>
<td>885,200</td>
</tr>
<tr>
<td><strong>Principal repayment, interest and rebates</strong></td>
<td>GPR</td>
<td>23,700</td>
</tr>
<tr>
<td><strong>Principal repayment, interest and rebates</strong></td>
<td>GPR</td>
<td>23,700</td>
</tr>
<tr>
<td><strong>Lease rental payments</strong></td>
<td>GPR</td>
<td>-0-</td>
</tr>
<tr>
<td><strong>Principal repayment, interest and rebates; parking ramp</strong></td>
<td>GPR</td>
<td>-0-</td>
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</tbody>
</table>

**TOTAL General Purpose Revenue Debt Service**

$377,064,400 $409,861,400

#### 20.190 State Fair Park Board

<table>
<thead>
<tr>
<th>Source</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State fair principal repayment; interest and rebates</strong></td>
<td>PR</td>
<td>$2,413,300</td>
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#### 20.225 Educational communications board

<table>
<thead>
<tr>
<th>Source</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Program revenue facilities; principal repayment, interest and rebates</strong></td>
<td>PR</td>
<td>-0-</td>
</tr>
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</table>

#### 20.245 Historical society

<table>
<thead>
<tr>
<th>Source</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
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<tbody>
<tr>
<td><strong>Self-amortizing facilities; principal repayment, interest and rebates</strong></td>
<td>PR</td>
<td>3,400</td>
</tr>
</tbody>
</table>
### 20.275 Technology for educational achievement in Wisconsin board

| (1) (h) | Principal, interest and rebates; program revenue - schools | PR | 2,418,300 | 2,421,800 |
| (1) (hb) | Principal, interest and rebates; program revenue - public library boards | PR | 23,800 | 23,800 |

### 20.285 University of Wisconsin System

| (1) (ih) | State laboratory of hygiene; principal repayment and interest | PR | –0– | –0– |
| (1) (kd) | Principal repayment, interest and rebates | PR | 30,408,200 | 32,339,100 |
| (1) (ke) | Lease rental payments | PR | –0– | –0– |

### 20.410 Corrections, department of

| (1) (ko) | Prison industries principal repayment, interest and rebates | PR | 309,600 | 567,900 |

### 20.485 Veterans Affairs, department of

| (1) (go) | Self-amortizing housing facilities; principal repayment and interest | PR | 390,800 | 934,300 |

### 20.505 Administration, department of

| (5) (g) | Principal repayment, interest and rebates; parking | PR | 1,253,400 | 1,252,400 |
| (5) (kc) | Principal repayment, interest and rebates | PR | 13,583,500 | 12,945,000 |
| (9) (h) | Lease payments for educational broadcasting facilities | PR | –0– | –0– |

### 20.867 Building commission

| (3) (g) | Principal repayment, interest and rebates; program revenues | PR | –0– | –0– |
| (3) (h) | Principal repayment, interest and rebates | PR | –0– | –0– |
### 20.320 Environmental improvement program

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<tr>
<td>Principal repayment and interest – clean water fund program bonds</td>
<td>SEG</td>
<td>$ 6,000,000</td>
<td>$ 6,000,000</td>
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<td>Principal repayment and interest – clean water fund program revenue obligation repayment</td>
<td>SEG</td>
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### 20.370 Natural resources, department of

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<tr>
<td>Resource acquisition and development – principal repayment and interest</td>
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<td>236,800</td>
<td>232,600</td>
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<tr>
<td>Dam repair and removal – principal repayment and interest</td>
<td>SEG</td>
<td>335,400</td>
<td>387,700</td>
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<td>Recreation development – principal repayment and interest</td>
<td>SEG</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>State forest acquisition and development – principal repayment and interest</td>
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<td>8,000,000</td>
<td>4,000,000</td>
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<td>Administrative facilities – principal repayment and interest</td>
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<td>1,586,800</td>
<td>1,834,700</td>
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<td>Administrative facilities – principal repayment and interest; environmental fund</td>
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<td>69,800</td>
<td>157,500</td>
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### 20.395 Transportation, department of

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<td>Principal repayment and interest, transportation facilities, state funds</td>
<td>SEG</td>
<td>5,530,600</td>
<td>5,660,400</td>
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SECTION 394

STATUTÉ, AGENCY AND PURPOSE

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<tr>
<td>(6) (ar) Principal repayment and interest, buildings, state funds</td>
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<td>282,800</td>
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20.485 Veterans affairs, department of

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<td>(3) (t) Debt service</td>
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<td>(3) (v) Revenue obligation prepayment</td>
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<td>(4) (qm) Repayment of principal and interest</td>
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20.867 Building commission

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<td>(3) (q) Principal repayment and interest; segregated revenues</td>
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TOTAL Segregated Revenue Debt Service

$100,271,200 $102,690,300

GRAND TOTAL All Debt Service

$528,139,900 $566,080,100

SECTION 395. 20.005 (3) of the statutes is repealed and recreated to read:

20.005 (3) APPROPRIATIONS. The following schedule sets forth all annual, biennial, and sum certain continuing appropriations and anticipated expenditures from other appropriations for the programs and other purposes indicated. All appropriations are made from the general fund unless otherwise indicated. The letter abbreviations shown designating the type of appropriation apply to both fiscal years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

Figure: 20.005 (3)

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
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| Commerce

20.115 Agriculture, trade and consumer protection, department of

(1) Food safety and consumer protection
<table>
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<th>SOURCE</th>
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<td>(a) General program operations</td>
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<tr>
<td>Food inspection</td>
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<tr>
<td>Meat and poultry inspection</td>
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<td>A</td>
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<td>2,959,200</td>
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<td>Trade and consumer protection</td>
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<td>(c) Automobile repair regulation</td>
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<td>A</td>
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<td>(d) Payments to ethanol producers</td>
<td>GPR</td>
<td>A</td>
<td>-0-</td>
<td>3,000,000</td>
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<tr>
<td>(g) Related services</td>
<td>PR</td>
<td>C</td>
<td>25,500</td>
<td>25,500</td>
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<tr>
<td>(gb) Food regulation</td>
<td>PR</td>
<td>A</td>
<td>3,939,900</td>
<td>3,939,900</td>
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<tr>
<td>(gf) Fruit and vegetable inspection</td>
<td>PR</td>
<td>C</td>
<td>1,381,600</td>
<td>1,381,600</td>
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<tr>
<td>(gh) Public warehouse regulation</td>
<td>PR</td>
<td>C</td>
<td>89,700</td>
<td>89,700</td>
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<tr>
<td>(gm) Dairy trade regulation</td>
<td>PR</td>
<td>A</td>
<td>381,300</td>
<td>130,500</td>
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<tr>
<td>(h) Grain inspection and certification</td>
<td>PR</td>
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<td>2,884,500</td>
<td>2,894,900</td>
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<td>(hm) Ozone-depleting refrigerants and products regulation</td>
<td>PR</td>
<td>A</td>
<td>369,000</td>
<td>369,000</td>
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<td>(i) Sale of supplies</td>
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<td>C</td>
<td>32,000</td>
<td>32,000</td>
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<tr>
<td>(j) Weights and measures inspection</td>
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<tr>
<td>(jb) Consumer protection, information, and education</td>
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<td>(q) Dairy, grain, and vegetable security</td>
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<td>(r) Unfair sales act</td>
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## Statute, Agency and Purpose

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<td>Weights and measures; petroleum inspection fund</td>
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<td>2</td>
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<td>Recyclable and nonrecyclable products regulation</td>
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<td>A</td>
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<td>4</td>
<td>(w)</td>
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<td>S</td>
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<td>S</td>
<td>−0−</td>
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<td>5</td>
<td>(wb)</td>
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### (1) Program Totals

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<td>12,527,500</td>
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<tr>
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<td>(3,439,000)</td>
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<td>(9,677,100)</td>
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<td>Segregated Funds</td>
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<td>(3,912,400)</td>
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### (2) Animal Health Services

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<td></td>
<td>Animal health services</td>
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<td>14</td>
<td>(b)</td>
<td>GPR</td>
<td>S</td>
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<td>Animal disease indemnities</td>
<td>GPR</td>
<td>S</td>
<td>108,600</td>
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<tr>
<td>15</td>
<td>(c)</td>
<td>GPR</td>
<td>A</td>
<td>100,000</td>
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<td>Financial assistance for paratuberculosis testing</td>
<td>GPR</td>
<td>A</td>
<td>100,000</td>
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<td>16</td>
<td>(d)</td>
<td>GPR</td>
<td>S</td>
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<tr>
<td></td>
<td>Principal repayment and interest</td>
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<td>17</td>
<td>(g)</td>
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### Statute, Agency and Purpose

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<td>(h) Sale of supplies</td>
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<td>(ha) Inspection, testing and enforcement</td>
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<td>C</td>
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<td>3</td>
<td>(j) Dog licenses, rabies control and related services</td>
<td>PR</td>
<td>C</td>
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<td>4</td>
<td>(m) Federal funds</td>
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#### (2) Program Totals

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<tr>
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<td>2,158,900</td>
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<td>PROGRAM REVENUE</td>
<td>609,200</td>
<td>609,200</td>
</tr>
</tbody>
</table>
| Federal                | (164,700) | (164,700) |}
| Other                   | (444,500) | (444,500) |}
| Total—All Sources       | 2,768,200 | 2,768,100 |

#### (3) Marketing Services

<table>
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<th>Type</th>
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<th>2002-03</th>
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<td>9</td>
<td>(g) Related services</td>
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<td>-0-</td>
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<td>(i) Marketing orders and agreements</td>
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<td>C</td>
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<td>11</td>
<td>(j) Stray voltage program</td>
<td>PR</td>
<td>A</td>
<td>307,500</td>
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<tr>
<td>12</td>
<td>(ja) Marketing services and materials</td>
<td>PR</td>
<td>C</td>
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<td>13</td>
<td>(jm) Stray voltage program; rural electric cooperatives</td>
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<td>15</td>
<td>(L) Something special from Wisconsin promotion</td>
<td>PR</td>
<td>C</td>
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<td>17</td>
<td>(m) Federal funds</td>
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#### (3) Program Totals

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## Assembly Bill 144

### Section 395

**Statute, Agency and Purpose**

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<th>2002-03</th>
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<td>(460,700)</td>
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<tr>
<td><strong>Other</strong></td>
<td></td>
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<td>(737,300)</td>
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<tr>
<td><strong>Total - All Sources</strong></td>
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<td>3,602,500</td>
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</table>

1. **Agricultural Assistance**
   - (a) Aid to Wisconsin livestock breeders association
     - GPR A 40,000 40,000
   - (b) Aids to county and district fairs
     - GPR A 585,000 585,000
   - (c) Agricultural investment aids
     - GPR B 400,000 400,000
   - (cd) Federal agricultural policy reform
     - GPR B 50,000 50,000
   - (d) Farmers tuition assistance grants
     - GPR B 5,000 5,000
   - (e) Aids to world dairy expo, inc.
     - GPR A 25,000 25,000
   - (f) Exposition center grants
     - GPR A 240,000 240,000
   - (k) Agricultural diversification; Indian gaming
     - PR-S A 325,000 485,000

2. **Program Totals**
   - **General Purpose Revenues**
     - 1,345,000 1,345,000
   - **Program Revenue**
     - 325,000 485,000
     - **Service**
       - (325,000) (485,000)
   - **Total - All Sources**
     - 1,670,000 1,830,000

3. **Agricultural Resource Management**
   - (a) General program operations
     - GPR A 2,668,400 2,672,100
   - (b) Principal repayment and interest, conservation enhancement reserve
     - GPR S 975,300 2,583,300
   - (c) Soil and water resource management program
     - GPR C 9,847,000 9,847,000
   - (d) Drainage board grants
     - GPR A 500,000 500,000
<table>
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<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
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<th>2002-03</th>
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<tbody>
<tr>
<td>(e) Agricultural chemical cleanup program; general fund</td>
<td>GPR</td>
<td>B</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(f) Principal repayment and interest, soil and water</td>
<td>GPR</td>
<td>S</td>
<td>254,500</td>
<td>429,800</td>
</tr>
<tr>
<td>(g) Agricultural impact statements</td>
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<td>C</td>
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<td>179,900</td>
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<tr>
<td>(ga) Related services</td>
<td>PR</td>
<td>C</td>
<td>103,600</td>
<td>103,600</td>
</tr>
<tr>
<td>(gm) Seed testing and labeling</td>
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<td>C</td>
<td>65,800</td>
<td>65,800</td>
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<td>(h) Fertilizer research assessments</td>
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<td>160,500</td>
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<td>(ha) Liming material research funds</td>
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<td>C</td>
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<td>25,000</td>
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<tr>
<td>(ja) Plant protection</td>
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<tr>
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<td>2,434,400</td>
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20.143 Commerce, department of

(1) Economic and Community Development

(a) General program operations GPR A 5,210,100 5,210,100

(b) Economic development promotion, plans and studies GPR A 120,000 120,000

(bm) Aid to Forward Wisconsin, inc. GPR A 500,000 500,000

(br) Brownfields grant program; general purpose revenue GPR A −0− −0−

(c) Wisconsin development fund; grants, loans and assistance GPR B 7,503,800 7,503,800

(cb) WI Dev. Fund; tech. & pollut. control & abatement grant & loans, assistance GPR B −0− −0−

(cf) Community-based nonprofit organization grant for educational project GPR A −0− −0−
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<th>SOURCE</th>
<th>TYPE</th>
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(1) PROGRAM TOTALS

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(3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS

(a) General program operations | GPR | A    | -0-     | -0-     |
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<td>(ga) Auxiliary services</td>
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<td>(gb) Local agreements</td>
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<td>(h) Local energy resource system fees</td>
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</table>
### ASSEMBLY BILL 144

**Statute, Agency and Purpose** | **Source** | **Type** | **2001-02** | **2002-03**
--- | --- | --- | --- | ---
1. | (r) Safety and buildings operations; petroleum inspection fund | SEG | A | 6,925,400 | 6,925,400
2. | (sa) Administration of mobile homes | SEG | A | 83,400 | 83,400
3. | (t) Petroleum inspection fund – revenue obligation repayment | SEG | S | -0- | -0-
4. | (v) Petroleum storage environmental remedial action; awards | SEG | B | 94,131,700 | 94,131,700
5. | (w) Petroleum storage environmental remedial action; administration | SEG | A | 3,149,500 | 3,126,200
6. | (z) Green tier and environmental system grants | SEG | B | 100,000 | 200,000

#### (3) Program Totals

| | General Purpose Revenues | 3,500,000 | 3,500,000 |
| | Program Revenue | 26,036,400 | 26,080,000 |
| | Federal | (634,600) | (634,600) |
| | Other | (24,684,500) | (24,684,500) |
| | Service | (717,300) | (760,900) |
| | Segregated Funds | 104,390,000 | 104,466,700 |
| | Other | (104,390,000) | (104,466,700) |
| | Total—All Sources | 133,926,400 | 134,046,700 |

#### (4) Executive and Administrative Services

1. | (a) General program operations | GPR | A | 1,739,900 | 1,743,000 |
2. | (g) Gifts, grants and proceeds | PR | C | 12,000 | 12,000 |
3. | (k) Sale of materials or services | PR−S | C | 158,700 | 158,700 |
4. | (ka) Sale of materials and services — local assistance | PR−S | C | -0- | -0- |
5. | (kb) Sale of materials and services — individuals and organizations | PR−S | C | -0- | -0- |
# ASSEMBLY BILL 144

## Statute, Agency and Purpose

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>(kd) Administrative services</td>
<td>PR-S</td>
<td>A</td>
<td>3,999,500</td>
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<tr>
<td>(ke) Transfer of unappropriated balances</td>
<td>PR-S</td>
<td>C</td>
<td>-0-</td>
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<tr>
<td>(m) Federal aid, state operations</td>
<td>PR-F</td>
<td>C</td>
<td>-0-</td>
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<tr>
<td>(n) Federal aid, local assistance</td>
<td>PR-F</td>
<td>C</td>
<td>-0-</td>
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<tr>
<td>(o) Federal aid, individuals and organizations</td>
<td>PR-F</td>
<td>C</td>
<td>-0-</td>
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<tr>
<td>(pz) Indirect cost reimbursements</td>
<td>PR-F</td>
<td>C</td>
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### (4) Program Totals

<table>
<thead>
<tr>
<th>Revenues</th>
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<th>2002-03</th>
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<tr>
<td>General Purpose Revenues</td>
<td>1,739,900</td>
<td>1,743,000</td>
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<tr>
<td>Program Revenue</td>
<td>4,371,200</td>
<td>4,373,000</td>
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<tr>
<td>Federal</td>
<td>(201,000)</td>
<td>(202,800)</td>
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<tr>
<td>Other</td>
<td>(12,000)</td>
<td>(12,000)</td>
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<tr>
<td>Service</td>
<td>(4,158,200)</td>
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### 20.143 Department Totals

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<th>Revenues</th>
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<th>2002-03</th>
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<td>Program Revenue</td>
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<tr>
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<td>(36,678,700)</td>
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<td>Other</td>
<td>(30,686,800)</td>
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<td>Service</td>
<td>(11,185,300)</td>
<td>(10,881,000)</td>
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<td>Segregated Funds</td>
<td>111,693,900</td>
<td>113,778,500</td>
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<td>Other</td>
<td>(111,693,900)</td>
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<tr>
<td>Total—All Sources</td>
<td>211,646,700</td>
<td>213,431,900</td>
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### 20.144 Financial institutions, department of

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<thead>
<tr>
<th>(1) Supervision of financial institutions, securities reg. and other functions</th>
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<tr>
<td>(a) Losses on public deposits</td>
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<tr>
<td>(g) General program operations</td>
</tr>
<tr>
<td>(h) Gifts, grants, settlements and publications</td>
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<table>
<thead>
<tr>
<th>STATUTE, AGENCY AND PURPOSE</th>
<th>SOURCE</th>
<th>TYPE</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>1 (i) Investor education fund</td>
<td>PR</td>
<td>A</td>
<td>100,000</td>
<td>100,000</td>
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<tr>
<td>2 (u) State deposit fund</td>
<td>SEG</td>
<td>S</td>
<td>−0−</td>
<td>−0−</td>
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(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES
PROGRAM REVENUE: 13,826,400 13,533,700
OTHER: (13,826,400) (13,533,700)
SEGREGATED FUNDS: −0− −0−
OTHER: (−0−) (−0−)
TOTAL−ALL SOURCES: 13,826,400 13,533,700

3 (2) Office of credit unions

4 (g) General program operations | PR | A | 1,897,300 | 1,920,100 |

5 (m) Credit union examinations, federal funds | PR−F | C | −0− | −0− |

(2) PROGRAM TOTALS

PROGRAM REVENUE: 1,897,300 1,920,100
FEDERAL: (−0−) (−0−)
OTHER: (1,897,300) (1,920,100)
TOTAL−ALL SOURCES: 1,897,300 1,920,100

20.144 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES: −0− −0−
PROGRAM REVENUE: 15,723,700 15,453,800
FEDERAL: (−0−) (−0−)
OTHER: (15,723,700) (15,453,800)
SEGREGATED FUNDS: −0− −0−
OTHER: (−0−) (−0−)
TOTAL−ALL SOURCES: 15,723,700 15,453,800

7 20.145 Insurance, office of the commissioner of

8 (1) Supervision of the insurance industry

9 (g) General program operations | PR | A | 12,023,500 | 12,272,700 |

10 (gm) Gifts and grants | PR | C | −0− | −0− |

11 (h) Holding company restructuring expenses | PR | C | −0− | −0− |
<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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</thead>
<tbody>
<tr>
<td>(k) Administrative and support services</td>
<td>PR-S</td>
<td>A</td>
<td>3,864,000</td>
<td>4,042,400</td>
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<tr>
<td>(m) Federal funds</td>
<td>PR-F</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
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(1) Program Totals

<table>
<thead>
<tr>
<th>Program Revenue</th>
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<th>2002-03</th>
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<tr>
<td>Federal</td>
<td>(−0−)</td>
<td>(−0−)</td>
</tr>
<tr>
<td>Other</td>
<td>(12,023,500)</td>
<td>(12,272,700)</td>
</tr>
<tr>
<td>Service</td>
<td>(3,864,000)</td>
<td>(4,042,400)</td>
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<tr>
<td>Total—All Sources</td>
<td>15,887,500</td>
<td>16,315,100</td>
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(2) Patients Compensation Fund

<table>
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<tr>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>Interest earned on future medical expenses</td>
<td>SEG S</td>
<td>-0-</td>
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<tr>
<td>Administration</td>
<td>SEG A</td>
<td>830,600</td>
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<tr>
<td>Peer review council</td>
<td>SEG A</td>
<td>116,800</td>
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<tr>
<td>Specified responsibilities, inv. board payments and future medical expenses</td>
<td>SEG C</td>
<td>54,697,400</td>
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(2) Program Totals

<table>
<thead>
<tr>
<th>Segregated Funds</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>Other</td>
<td>(55,644,800)</td>
<td>(55,653,500)</td>
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<tr>
<td>Total—All Sources</td>
<td>55,644,800</td>
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(3) Local Government Property Insurance Fund

<table>
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<tr>
<th>Type</th>
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<tr>
<td>Administration</td>
<td>SEG A</td>
<td>726,100</td>
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<tr>
<td>Specified payments, fire dues and reinsurance</td>
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<td>15,734,600</td>
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(3) Program Totals

<table>
<thead>
<tr>
<th>Segregated Funds</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>Other</td>
<td>(16,460,700)</td>
<td>(18,572,500)</td>
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<tr>
<td>Total—All Sources</td>
<td>16,460,700</td>
<td>18,572,500</td>
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</table>
# 2001–2002 Legislature

## ASSEMBLY BILL 144

<table>
<thead>
<tr>
<th>STATUTE, AGENCY AND PURPOSE</th>
<th>SOURCE</th>
<th>TYPE</th>
<th>2001-02</th>
<th>2002-03</th>
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</thead>
<tbody>
<tr>
<td>1 (4) STATE LIFE INSURANCE FUND</td>
<td>SEG</td>
<td>A</td>
<td>647,900</td>
<td>606,700</td>
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<tr>
<td>2 (u) Administration</td>
<td>SEG</td>
<td>C</td>
<td>2,980,000</td>
<td>2,980,000</td>
</tr>
<tr>
<td>3 (v) Specified payments and losses</td>
<td>SEG</td>
<td>C</td>
<td>2,980,000</td>
<td>2,980,000</td>
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</tbody>
</table>

(4) PROGRAM TOTALS

| SEGREGATED FUNDS | 3,627,900 | 3,586,700 |
| OTHER | (3,627,900) | (3,586,700) |
| TOTAL–ALL SOURCES | 3,627,900 | 3,586,700 |

20.145 DEPARTMENT TOTALS

| PROGRAM REVENUE | 15,887,500 | 16,315,100 |
| FEDERAL | (−0−) | (−0−) |
| OTHER | (12,023,500) | (12,272,700) |
| SERVICE | (3,864,000) | (4,042,400) |
| SEGREGATED FUNDS | 75,733,400 | 77,812,700 |
| OTHER | (75,733,400) | (77,812,700) |
| TOTAL–ALL SOURCES | 91,620,900 | 94,127,800 |

4 20.155 Public service commission

5 (1) REGULATION OF PUBLIC UTILITIES

| 6 (g) Utility regulation | PR | A | 13,198,400 | 13,199,700 |
| 7 (h) Holding company and nonutility affiliate regulation | PR | C | 609,200 | 609,200 |
| 9 (j) Intervenor financing | PR | A | 750,000 | 750,000 |
| 10 (jm) Stray voltage research | PR | A | −0− | −0− |
| 11 (L) Stray voltage program | PR | A | 202,600 | 202,600 |
| 12 (Lb) Gifts for stray voltage program | PR | C | −0− | −0− |
| 13 (Lm) Consumer education and awareness | PR | C | −0− | −0− |
| 14 (m) Federal funds | PR−F | C | 137,400 | 137,400 |
| 15 (n) Indirect costs reimbursement | PR−F | C | 25,000 | 25,000 |
### STATUTE, AGENCY AND PURPOSE

<table>
<thead>
<tr>
<th></th>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>1</td>
<td>(q)</td>
<td>SEG</td>
<td>6,900,000</td>
<td>6,900,000</td>
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<tr>
<td>2</td>
<td>(r)</td>
<td>PR-S</td>
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#### (1) PROGRAM TOTALS

<table>
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<th>2002-03</th>
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<tbody>
<tr>
<td>PROGRAM REVENUE</td>
<td>14,922,600</td>
<td>14,923,900</td>
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<tr>
<td>FEDERAL</td>
<td>(162,400)</td>
<td>(162,400)</td>
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<td>OTHER</td>
<td>(14,760,200)</td>
<td>(14,761,500)</td>
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<tr>
<td>SERVICE</td>
<td>(0)</td>
<td>(0)</td>
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<tr>
<td>SEGREGATED FUNDS</td>
<td>6,900,000</td>
<td>6,900,000</td>
</tr>
<tr>
<td>OTHER</td>
<td>(6,900,000)</td>
<td>(6,900,000)</td>
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<tr>
<td>TOTAL−ALL SOURCES</td>
<td>21,822,600</td>
<td>21,823,900</td>
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#### (2) OFFICE OF THE COMMISSIONER OF RAILROADS

<table>
<thead>
<tr>
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<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>PROGRAM REVENUE</td>
<td>672,700</td>
<td>663,200</td>
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<tr>
<td>FEDERAL</td>
<td>(0)</td>
<td>(0)</td>
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<td>OTHER</td>
<td>(672,700)</td>
<td>(663,200)</td>
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<tr>
<td>TOTAL−ALL SOURCES</td>
<td>672,700</td>
<td>663,200</td>
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#### 20.155 DEPARTMENT TOTALS

<table>
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<tr>
<td>PROGRAM REVENUE</td>
<td>15,595,300</td>
<td>15,587,100</td>
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<td>(162,400)</td>
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<td>SERVICE</td>
<td>(0)</td>
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<td>OTHER</td>
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### 20.165 REGULATION AND LICENSING, DEPARTMENT OF

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<td>PROGRAM REVENUE</td>
<td>10,371,900</td>
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### ASSEMBLY BILL 144

#### STATUTE, AGENCY AND PURPOSE

<table>
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<tbody>
<tr>
<td>1</td>
<td>(gm) Applicant investigation</td>
<td>PR</td>
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<td>180,100</td>
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<td>2</td>
<td>reimbursements</td>
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<tr>
<td>3</td>
<td>(h) Technical assistance; nonstate agencies and organizations</td>
<td>PR</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>4</td>
<td>(i) Examinations; general program</td>
<td>PR</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>5</td>
<td>(k) Technical assistance; state agencies</td>
<td>PR</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>6</td>
<td>(m) Federal funds</td>
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#### 20.165 DEPARTMENT TOTALS

<table>
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<tr>
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<th>2002-03</th>
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<tbody>
<tr>
<td>FEDERAL</td>
<td>(−0−)</td>
<td>(−0−)</td>
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<tr>
<td>OTHER</td>
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#### 20.190 State fair park board

<table>
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<tr>
<td>1</td>
<td>State Fair Park</td>
<td>GPR</td>
<td>S</td>
<td>895,300</td>
<td>894,700</td>
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<tr>
<td>2</td>
<td>Principal repayment and interest</td>
<td>GPR</td>
<td>S</td>
<td>193,600</td>
<td>246,800</td>
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<tr>
<td>3</td>
<td>State fair operations</td>
<td>GPR</td>
<td>S</td>
<td>13,640,500</td>
<td>13,666,000</td>
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<tr>
<td>4</td>
<td>State fair capital expenses</td>
<td>PR</td>
<td>C</td>
<td>448,000</td>
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<tr>
<td>5</td>
<td>State fair principal repayment, interest and rebates</td>
<td>PR</td>
<td>S</td>
<td>2,413,300</td>
<td>2,970,500</td>
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<tr>
<td>6</td>
<td>Gifts and grants</td>
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<td>-0-</td>
<td>-0-</td>
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<tr>
<td>7</td>
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<td>PR</td>
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<td>-0-</td>
<td>-0-</td>
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#### 20.190 DEPARTMENT TOTALS

<table>
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<td></td>
<td>1,088,900</td>
<td>1,141,500</td>
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### STATUTE, AGENCY AND PURPOSE

<table>
<thead>
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<th>Source Type</th>
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<th>2002-03</th>
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<td>16,501,800</td>
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<td>FEDERAL</td>
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<td>(16,501,800)</td>
<td>(17,084,500)</td>
</tr>
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<td>17,590,700</td>
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### Commerce

#### FUNCTIONAL AREA TOTALS

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<td>61,858,800</td>
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<td>PROGRAM REVENUE</td>
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<td>(43,993,300)</td>
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<td>OTHER</td>
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<tr>
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<td>(21,430,500)</td>
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<tr>
<td>SEGREGATED FUNDS</td>
<td>208,901,600</td>
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<td>FEDERAL</td>
<td>(-0-)</td>
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<tr>
<td>OTHER</td>
<td>(208,901,600)</td>
<td>(213,333,600)</td>
</tr>
<tr>
<td>SERVICE</td>
<td>(-0-)</td>
<td>(-0-)</td>
</tr>
<tr>
<td>LOCAL</td>
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<td>(-0-)</td>
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<tr>
<td>TOTAL-ALL SOURCES</td>
<td>446,519,400</td>
<td>456,008,200</td>
</tr>
</tbody>
</table>

### Education

1. **20.215 Arts board**

2. (1) **Support of arts projects**

3. (a) General program operations GPR A 353,100 353,100

4. (b) State aid for the arts GPR A 1,240,500 1,240,500

5. (c) Portraits of governors GPR A -0- -0-

6. (d) Challenge grant program GPR A 819,800 819,800

7. (e) High point fund GPR A -0- -0-

8. (f) Wisconsin regranting program GPR A 150,000 150,000

9. (fm) Portage county arts alliance GPR A -0- -0-

10. (g) Gifts and grants; state operations PR C 20,000 20,000

11. (h) Gifts and grants; aids to individuals and organizations PR C -0- -0-
### 395 ASSEMBLY BILL 144

#### STATUTE, AGENCY AND PURPOSE | SOURCE | TYPE | 2001-02 | 2002-03
--- | --- | --- | --- | ---
1 (k) Funds received from other state agencies | PR-S | C | -0- | -0-
2 (ka) Percent-for-art administration | PR-S | A | -0- | -0-
3 (km) State aid for the arts; Indian gaming receipts | PR-S | A | 25,200 | 25,200
4 (m) Federal grants; state operations | PR-F | C | 355,900 | 355,900
5 (o) Federal grants; aids to individuals and organizations | PR-F | C | 225,000 | 225,000

#### 20.215 DEPARTMENT TOTALS
- **GENERAL PURPOSE REVENUES**: 2,563,400 2,563,400
- **PROGRAM REVENUE**: 626,100 626,100
- **FEDERAL**
  - (580,900) (580,900)
- **OTHER**
  - (20,000) (20,000)
- **SERVICE**
  - (25,200) (25,200)
- **TOTAL-ALL SOURCES**: 3,189,500 3,189,500

#### 20.218 Educational broadcasting corporation

- **(1) EDUCATIONAL BROADCASTING**

  - (a) Operational costs; television | GPR | A | -0- | -0-
  - (b) Operational costs; radio | GPR | A | -0- | -0-

#### 20.218 DEPARTMENT TOTALS
- **GENERAL PURPOSE REVENUES**: -0- -0-
- **TOTAL-ALL SOURCES**: -0- -0-

#### 20.225 Educational communications board

- **(1) INSTRUCTIONAL TECHNOLOGY**

  - (a) General program operations | GPR | A | 3,841,600 | 3,844,400
  - (b) Energy costs | GPR | A | 409,700 | 411,500
  - (c) Principal repayment and interest | GPR | S | 844,000 | 846,300
## ASSEMBLY BILL 144

### SECTION 395

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>(d) Milwaukee area technical college</td>
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<td>A</td>
<td>330,000</td>
<td>330,000</td>
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<tr>
<td>(eg) Transmitter construction</td>
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<td>C</td>
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<tr>
<td>(er) Transmitter operation</td>
<td>GPR</td>
<td>A</td>
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<td>25,000</td>
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<tr>
<td>(f) Programming</td>
<td>GPR</td>
<td>A</td>
<td>1,611,400</td>
<td>1,614,000</td>
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<tr>
<td>(g) Gifts, grants, contracts and leases</td>
<td>PR</td>
<td>C</td>
<td>8,344,800</td>
<td>8,406,000</td>
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<td>(h) Instructional material</td>
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<td>311,600</td>
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<td>(i) Program revenue facilities; principal repayment, interest, and rebates</td>
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<td>S</td>
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<td>C</td>
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<td>(kb) Emergency weather warning system operation</td>
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<td>A</td>
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<td>71,800</td>
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<tr>
<td>(m) Federal grants</td>
<td>PR-F</td>
<td>C</td>
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<td>1,171,800</td>
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### 20.225 DEPARTMENT TOTALS

<table>
<thead>
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<td></td>
<td>(1,031,800)</td>
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<td>OTHER</td>
<td></td>
<td>(8,656,400)</td>
<td>(8,717,600)</td>
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<td></td>
<td>(71,800)</td>
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<td>16,821,700</td>
<td>17,032,400</td>
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### 20.235 Higher educational aids board

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<tr>
<td>(b) Tuition grants</td>
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<tr>
<td>(cg) Nursing student loans</td>
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<td>A</td>
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<tr>
<td>(cr) Minority teacher loans</td>
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<td>(cu) Teacher education loan program</td>
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<td>(cx) Loan pgm for teachers &amp; orient &amp; mobility instructors of vis imp pupils</td>
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<td>A</td>
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<tr>
<td>(d) Dental education contract</td>
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<td>(e) Minnesota–Wisconsin student reciprocity agreement</td>
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<td>(fc) Independent student grants program</td>
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<td>(fd) Talent incentive grants</td>
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<td>(ff) Wisconsin higher education grants; technical college students</td>
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<td>B</td>
<td>13,201,900</td>
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<td>(fg) Minority undergraduate retention grants program</td>
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<td>B</td>
<td>693,100</td>
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<td>(fj) Handicapped student grants</td>
<td>GPR</td>
<td>B</td>
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<td>(fy) Governor Thompson scholarship program</td>
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<td>2,917,000</td>
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<tr>
<td>(g) Student loans</td>
<td>PR</td>
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<td>−0−</td>
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<tr>
<td>(gg) Nursing student loan repayments</td>
<td>PR</td>
<td>C</td>
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<tr>
<td>(gm) Indian student assistance; contributions</td>
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### ASSEMBLY BILL 144

<table>
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<th>Type</th>
<th>2001-02</th>
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<tr>
<td>(i) Gifts and grants</td>
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<td>-0-</td>
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<td>787,600</td>
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<td>(km) Wisconsin higher education grants; tribal college students</td>
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<td>404,000</td>
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<td>(kt) Funds transferred from other state agencies</td>
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<td>C</td>
<td>88,300</td>
<td>80,000</td>
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<td>(no) Federal aid; aids to individuals and organizations</td>
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#### (1) Program Totals

<table>
<thead>
<tr>
<th>Revenue Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>General Purpose Revenues</td>
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<td>63,135,500</td>
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<tr>
<td>Program Revenue</td>
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<tr>
<td>Federal</td>
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<tr>
<td>Other</td>
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<tr>
<td>Service</td>
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<tr>
<td>Total—All Sources</td>
<td>65,279,400</td>
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#### (2) Administration

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<tr>
<th>Administration</th>
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<th>2001-02</th>
<th>2002-03</th>
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</thead>
<tbody>
<tr>
<td>General program operations</td>
<td>GPR</td>
<td>A</td>
<td>802,200</td>
<td>802,200</td>
</tr>
<tr>
<td>Student loan interest, loans sold or conveyed</td>
<td>GPR</td>
<td>S</td>
<td>−0−</td>
<td>−0−</td>
</tr>
<tr>
<td>Write-off of uncollectible student loans</td>
<td>GPR</td>
<td>A</td>
<td>−0−</td>
<td>−0−</td>
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<tr>
<td>Purchase of defective student loans</td>
<td>GPR</td>
<td>S</td>
<td>−0−</td>
<td>−0−</td>
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<tr>
<td>Student interest payments</td>
<td>PR</td>
<td>C</td>
<td>1,000</td>
<td>1,000</td>
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<tr>
<td>Student interest payments, loans sold or conveyed</td>
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<td>C</td>
<td>−0−</td>
<td>−0−</td>
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<td>Student loans; collection and administration</td>
<td>PR</td>
<td>C</td>
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## ASSEMBLY BILL 144

<table>
<thead>
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<th>Statute, Agency and Purpose</th>
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<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>1 (ja) Write-off of defaulted student loans</td>
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<td>A</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>2 (n) Federal aid; state operations</td>
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<td>C</td>
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<td>-0-</td>
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<tr>
<td>3 (qa) Student loan revenue obligation repayment</td>
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<td>C</td>
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<td>-0-</td>
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<tr>
<td>4 (qb) Wisconsin health education loan revenue obligation repayment</td>
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<td>76,200</td>
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### (2) Program Totals

<table>
<thead>
<tr>
<th></th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>GENERAL PURPOSE REVENUES</td>
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<tr>
<td>PROGRAM REVENUE</td>
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<td>(-0-)</td>
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<td>OTHER</td>
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<tr>
<td>SEGREGATED FUNDS</td>
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<td>76,200</td>
</tr>
<tr>
<td>OTHER</td>
<td>(76,200)</td>
<td>(76,200)</td>
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<tr>
<td>TOTAL-ALL SOURCES</td>
<td>879,400</td>
<td>879,400</td>
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### 20.235 Department Totals

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<tr>
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<th>2001-02</th>
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<tr>
<td>GENERAL PURPOSE REVENUES</td>
<td>63,937,700</td>
<td>63,937,700</td>
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<tr>
<td>PROGRAM REVENUE</td>
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<td>2,148,400</td>
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<tr>
<td>FEDERAL</td>
<td>(875,800)</td>
<td>(875,800)</td>
</tr>
<tr>
<td>OTHER</td>
<td>(1,000)</td>
<td>(1,000)</td>
</tr>
<tr>
<td>SERVICE</td>
<td>(1,268,100)</td>
<td>(1,271,600)</td>
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<tr>
<td>SEGREGATED FUNDS</td>
<td>76,200</td>
<td>76,200</td>
</tr>
<tr>
<td>OTHER</td>
<td>(76,200)</td>
<td>(76,200)</td>
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<tr>
<td>TOTAL-ALL SOURCES</td>
<td>66,158,800</td>
<td>66,162,300</td>
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### 20.245 Historical society

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<tr>
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<th>2002-03</th>
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<tbody>
<tr>
<td>(1) HISTORY SERVICES</td>
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<tr>
<td>9 (a) General program operations</td>
<td>GPR</td>
<td>A</td>
</tr>
<tr>
<td>10 (ag) General program operations; historic sites and museum services</td>
<td>GPR</td>
<td>A</td>
</tr>
<tr>
<td>11 (c) Energy costs</td>
<td>GPR</td>
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<tr>
<td>12 (e) Principal repayment, interest, and rebates</td>
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<td>S</td>
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<td>STATUTE, AGENCY AND PURPOSE</td>
<td>SOURCE</td>
<td>TYPE</td>
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</tr>
<tr>
<td>1 (g) Admissions, sales and other receipts</td>
<td>PR</td>
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</tr>
<tr>
<td>2 (h) Gifts and grants</td>
<td>PR</td>
<td>C</td>
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<tr>
<td>3 (j) Self-amortizing facilities; principal repayment, interest and rebates</td>
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<td>S</td>
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<tr>
<td>4 (km) Northern great lakes center</td>
<td>PR−S</td>
<td>C</td>
</tr>
<tr>
<td>5 (ks) General program operations – service funds</td>
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<td>C</td>
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<tr>
<td>6 (m) General program operations; federal funds</td>
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<td>C</td>
</tr>
<tr>
<td>7 (pz) Indirect cost reimbursements</td>
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<td>C</td>
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<tr>
<td>8 (q) Endowment principal</td>
<td>SEG</td>
<td>C</td>
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<tr>
<td>9 (s) Transfer to Historical Society endowment fund</td>
<td>SEG</td>
<td>S</td>
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<tr>
<td>10 (t) Historical legacy program</td>
<td>SEG</td>
<td>S</td>
</tr>
<tr>
<td>11 (y) Northern great lakes center; interpretive programming</td>
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**20.245 DEPARTMENT TOTALS**

| GENERAL PURPOSE REVENUES | 11,827,600 | 11,684,100 |
| PROGRAM REVENUE | 6,593,000 | 6,627,500 |
| FEDERAL | (1,045,800) | (1,044,500) |
| OTHER | (3,838,800) | (3,874,600) |
| SERVICE | (1,708,400) | (1,708,400) |
| SEGREGATED FUNDS | 525,700 | 525,700 |
| OTHER | (525,700) | (525,700) |
| TOTAL−ALL SOURCES | 18,946,300 | 18,837,300 |
## ASSEMBLY BILL 144

### 20.250 Medical college of Wisconsin

<table>
<thead>
<tr>
<th>STATUTE, AGENCY AND PURPOSE</th>
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<th>TYPE</th>
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<th>2002-03</th>
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<td>A</td>
<td>4,105,100</td>
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<td>20.250 Medical college of Wisconsin</td>
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<td>A</td>
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<td>20.250 Medical college of Wisconsin</td>
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<td>C</td>
<td>500,000</td>
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</tbody>
</table>

### 20.250 DEPARTMENT TOTALS

| GENERAL PURPOSE REVENUES | 7,635,600 | 7,635,700 |
| PROGRAM REVENUE | 500,000 | 500,000 |
| SERVICE | (500,000) | (500,000) |
| TOTAL-ALL SOURCES | 8,135,600 | 8,135,700 |

### 20.255 Public instruction, department of

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<th>SOURCE</th>
<th>TYPE</th>
<th>2001-02</th>
<th>2002-03</th>
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<td>A</td>
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<td>A</td>
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<td>444,100</td>
<td>373,100</td>
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<td>S</td>
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<td>1,033,500</td>
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<td>(gb) School for the deaf and center for the blind and vis impaired; nonres fees</td>
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<td>C</td>
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<td>50,000</td>
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<tr>
<td>(gh) School for the deaf and ctr for the blind and vis impaired; hospitalization</td>
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<td>C</td>
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<td>-0-</td>
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<tr>
<td>(gL) Center for the blind and visually impaired; leasing of space</td>
<td>PR</td>
<td>C</td>
<td>40,000</td>
<td>40,000</td>
</tr>
<tr>
<td>(gs) School for the deaf and center for the blind and vis impaired; services</td>
<td>PR</td>
<td>C</td>
<td>27,000</td>
<td>27,000</td>
</tr>
<tr>
<td>(gt) School for the deaf and ctr for the blind and vis impaired; pupil transp</td>
<td>PR</td>
<td>A</td>
<td>850,000</td>
<td>850,000</td>
</tr>
<tr>
<td>(hf) Administrative leadership academy</td>
<td>PR</td>
<td>A</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(hg) Personnel certific., teacher supply, info. and analysis and teacher improv.</td>
<td>PR</td>
<td>A</td>
<td>3,000,000</td>
<td>3,130,000</td>
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<tr>
<td>(hm) Services for drivers</td>
<td>PR</td>
<td>A</td>
<td>236,900</td>
<td>236,900</td>
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<tr>
<td>(i) Publications</td>
<td>PR</td>
<td>A</td>
<td>573,900</td>
<td>573,900</td>
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<tr>
<td>(im) Library products and services</td>
<td>PR</td>
<td>C</td>
<td>660,700</td>
<td>660,700</td>
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<tr>
<td>(jg) School lunch handling charges</td>
<td>PR</td>
<td>A</td>
<td>15,007,500</td>
<td>15,011,100</td>
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<tr>
<td>(jm) Professional services center charges</td>
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<td>180,000</td>
<td>180,000</td>
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<td>(jr) Gifts, grants and trust funds</td>
<td>PR</td>
<td>C</td>
<td>510,000</td>
<td>510,000</td>
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<tr>
<td>(js) State-owned housing maintenance</td>
<td>PR</td>
<td>A</td>
<td>7,500</td>
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</table>
### ASSEMBLY BILL 144

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>(jz) School district boundary appeal proceedings</td>
<td>PR</td>
<td>C</td>
<td>10,500</td>
<td>10,500</td>
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<td>(kd) Alcohol and other drug abuse program</td>
<td>PR-S</td>
<td>A</td>
<td>781,600</td>
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<td>(ke) Funds transferred from other state agencies; program operations</td>
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<td>C</td>
<td>3,529,000</td>
<td>1,662,400</td>
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<td>(km) State agency library processing center</td>
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<td>80,000</td>
<td>80,000</td>
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<tr>
<td>(ks) Data processing</td>
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<td>2,386,700</td>
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<tr>
<td>(me) Federal aids; program operations</td>
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<td>C</td>
<td>20,419,800</td>
<td>19,779,400</td>
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<td>(pz) Indirect cost reimbursements</td>
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<td>1,446,000</td>
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(1) PROGRAM TOTALS

<table>
<thead>
<tr>
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<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
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<td>32,950,100</td>
<td>23,094,700</td>
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<td>49,803,600</td>
<td>47,430,200</td>
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<td>FEDERAL</td>
<td>(21,865,800)</td>
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<td>(21,160,500)</td>
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<td>82,753,700</td>
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(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

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<tr>
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<tr>
<td>(ac) General equalization aids</td>
<td>GPR</td>
<td>S</td>
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<tr>
<td>(ad) Supplemental aid</td>
<td>GPR</td>
<td>A</td>
</tr>
<tr>
<td>(b) Aids for special education and school age parents programs</td>
<td>GPR</td>
<td>A</td>
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<tr>
<td>(bc) Aid for children--at--risk programs</td>
<td>GPR</td>
<td>A</td>
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<tr>
<td>(bh) Aid to county children with disabilities education boards</td>
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<td>A</td>
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## Section 395

<table>
<thead>
<tr>
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<td>(cc) Bilingual-bicultural education aids</td>
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<td>8,791,400</td>
<td>9,291,400</td>
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<td>(cf) Alternative education grants</td>
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<td>A</td>
<td>5,000,000</td>
<td>5,000,000</td>
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<td>(cg) Tuition payments; full-time open enrollment transfer payments</td>
<td>GPR</td>
<td>A</td>
<td>8,803,700</td>
<td>9,741,000</td>
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<td>(cm) Grants for school breakfast programs</td>
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<td>C</td>
<td>892,100</td>
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<tr>
<td>(cn) Aids for school lunches and nutritional improvement</td>
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<td>4,371,100</td>
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<td>(cp) Wisconsin morning milk program</td>
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<td>A</td>
<td>710,600</td>
<td>710,600</td>
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<tr>
<td>(cr) Aid for pupil transportation</td>
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<td>17,742,500</td>
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<td>(cu) Achievement guarantee contracts</td>
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<td>60,603,600</td>
<td>69,441,600</td>
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<tr>
<td>(cv) Achievement guarantee contracts; supplement</td>
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<td>A</td>
<td>4,739,000</td>
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<tr>
<td>(cw) Aid for transportation; youth options program</td>
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<td>A</td>
<td>20,000</td>
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<tr>
<td>(cy) Aid for transportation; open enrollment</td>
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<td>A</td>
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<td>500,000</td>
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<td>(dm) Grants for alcohol &amp; other drug abuse prevention &amp; intervention programs</td>
<td>GPR</td>
<td>A</td>
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<td>4,520,000</td>
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<td>(do) Grants for preschool to grade 5 programs</td>
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<td>A</td>
<td>7,353,700</td>
<td>7,353,700</td>
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<tr>
<td>(eh) Head start supplement</td>
<td>GPR</td>
<td>A</td>
<td>3,712,500</td>
<td>3,712,500</td>
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<td>STATUTE, AGENCY AND PURPOSE</td>
<td>SOURCE</td>
<td>TYPE</td>
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<td>2002-03</td>
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<td>-----------------------------</td>
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<td>---------</td>
<td>---------</td>
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<tr>
<td>1 (em) Driver education; local assistance</td>
<td>GPR</td>
<td>A</td>
<td>4,345,600</td>
<td>4,304,700</td>
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<td>2 (es) Grants for consolidation and coordination studies</td>
<td>GPR</td>
<td>A</td>
<td>-0-</td>
<td>50,000</td>
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<tr>
<td>3 (fg) Aid for cooperative educational service agencies</td>
<td>GPR</td>
<td>A</td>
<td>300,000</td>
<td>300,000</td>
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<tr>
<td>4 (fh) Grants for cooperative educational service agencies</td>
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<td>A</td>
<td>-0-</td>
<td>850,000</td>
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<td>5 (fj) School performance grants</td>
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<td>A</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>6 (fk) Grant program for peer review and mentoring</td>
<td>GPR</td>
<td>A</td>
<td>500,000</td>
<td>500,000</td>
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<tr>
<td>7 (fm) Charter schools</td>
<td>GPR</td>
<td>S</td>
<td>13,428,600</td>
<td>18,723,400</td>
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<tr>
<td>8 (fr) Grants for school decentralization plans</td>
<td>GPR</td>
<td>A</td>
<td>-0-</td>
<td>600,000</td>
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<tr>
<td>9 (fs) Grants for training school administrators</td>
<td>GPR</td>
<td>A</td>
<td>-0-</td>
<td>1,500,000</td>
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<tr>
<td>10 (fu) Milwaukee parental choice program</td>
<td>GPR</td>
<td>S</td>
<td>58,679,700</td>
<td>68,331,700</td>
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<tr>
<td>11 (fz) Charter school development loans</td>
<td>GPR</td>
<td>C</td>
<td>-0-</td>
<td>1,000,000</td>
</tr>
<tr>
<td>12 (g) Charter school development loans; repayments</td>
<td>PR</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>13 (k) Funds transferred from other state agencies; local aids</td>
<td>PR-S</td>
<td>C</td>
<td>8,352,600</td>
<td>8,352,600</td>
</tr>
<tr>
<td>14 (kd) Aid for alcohol and other drug abuse programs</td>
<td>PR-S</td>
<td>A</td>
<td>1,498,600</td>
<td>1,498,600</td>
</tr>
<tr>
<td>15 (kh) Head start supplement</td>
<td>PR-S</td>
<td>C</td>
<td>3,712,500</td>
<td>3,712,500</td>
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</table>
## Statute, Agency and Purpose

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>(km) Alternative school American Indian language and culture education aid</td>
<td>PR-S</td>
<td>A</td>
<td>220,000</td>
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<tr>
<td>(kp) Aid to Milwaukee public schools; federal block grant aids</td>
<td>PR-S</td>
<td>A</td>
<td>1,410,000</td>
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<tr>
<td>(m) Federal aids; local aid</td>
<td>PR-F</td>
<td>C</td>
<td>358,167,700</td>
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<tr>
<td>(s) School library aids</td>
<td>SEG</td>
<td>C</td>
<td>27,000,000</td>
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</table>

### (2) Program Totals

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>GENERAL PURPOSE REVENUES</td>
<td></td>
<td>4,625,948,400</td>
<td>4,822,848,400</td>
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<tr>
<td>PROGRAM REVENUE</td>
<td></td>
<td>373,361,400</td>
<td>372,561,400</td>
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<tr>
<td>FEDERAL</td>
<td></td>
<td>(358,167,700)</td>
<td>(357,367,700)</td>
</tr>
<tr>
<td>OTHER</td>
<td></td>
<td>(−0−)</td>
<td>(−0−)</td>
</tr>
<tr>
<td>SERVICE</td>
<td></td>
<td>(15,193,700)</td>
<td>(15,193,700)</td>
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<tr>
<td>SEGREGATED FUNDS</td>
<td></td>
<td>27,000,000</td>
<td>28,500,000</td>
</tr>
<tr>
<td>OTHER</td>
<td></td>
<td>(27,000,000)</td>
<td>(28,500,000)</td>
</tr>
<tr>
<td>TOTAL-ALL SOURCES</td>
<td></td>
<td>5,026,309,800</td>
<td>5,223,909,800</td>
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### (3) Aids to Libraries, Individuals and Organizations

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>(c) National teacher certification</td>
<td>GPR</td>
<td>S</td>
<td>215,000</td>
</tr>
<tr>
<td>(d) Elks and Easter Seals center for respite and recreation</td>
<td>GPR</td>
<td>A</td>
<td>50,000</td>
</tr>
<tr>
<td>(e) Aid to public library systems</td>
<td>GPR</td>
<td>A</td>
<td>14,749,800</td>
</tr>
<tr>
<td>(ea) Library service contracts</td>
<td>GPR</td>
<td>A</td>
<td>1,047,300</td>
</tr>
<tr>
<td>(eg) Milwaukee public museum</td>
<td>GPR</td>
<td>A</td>
<td>50,000</td>
</tr>
<tr>
<td>(fa) Very special arts</td>
<td>GPR</td>
<td>A</td>
<td>75,000</td>
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<tr>
<td>(fg) Special olympics</td>
<td>GPR</td>
<td>A</td>
<td>75,000</td>
</tr>
<tr>
<td>(fz) Minority group pupil scholarships</td>
<td>GPR</td>
<td>A</td>
<td>1,525,000</td>
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</table>
## 20.275 Technology for educational achievement in Wisconsin board

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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</thead>
<tbody>
<tr>
<td>(L) Periodical and reference information databases; funds received</td>
<td>PR</td>
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<td>73,500</td>
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<td>(mm) Federal funds; local assistance</td>
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<td>1,210,200</td>
<td>1,210,200</td>
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<tr>
<td>(ms) Federal funds; individuals and organizations</td>
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<td>C</td>
<td>38,394,500</td>
<td>38,394,500</td>
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<tr>
<td>(q) Periodical and reference information databases</td>
<td>SEG</td>
<td>A</td>
<td>1,700,000</td>
<td>1,700,000</td>
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### (3) Program Totals

- **General Purpose Revenues**: 17,787,100 / 17,912,100
- **Program Revenue**: 39,678,200 / 39,754,900
- **Federal**: (39,604,700) / (39,604,700)
- **Other**: (73,500) / (150,200)
- **Segregated Funds**: 1,700,000 / 1,700,000
- **Other**: (1,700,000) / (1,700,000)
- **Total—All Sources**: 59,165,300 / 59,367,000

### 20.255 Department Totals

- **General Purpose Revenues**: 4,676,685,600 / 4,863,855,200
- **Program Revenue**: 462,843,200 / 459,746,500
- **Federal**: (419,638,200) / (418,197,800)
- **Other**: (21,234,000) / (21,444,300)
- **Service**: (21,971,000) / (20,104,400)
- **Segregated Funds**: 28,700,000 / 30,200,000
- **Other**: (28,700,000) / (30,200,000)
- **Total—All Sources**: 5,168,228,800 / 5,353,801,700

### 20.25 Educational Technology

<table>
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<tr>
<th>(1) Educational Technology</th>
</tr>
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<tbody>
<tr>
<td>(a) General program operations</td>
</tr>
<tr>
<td>(d) Pioneering partners grants</td>
</tr>
<tr>
<td>STATUTE, AGENCY AND PURPOSE</td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
<tr>
<td>(er) Principal, interest &amp; rebates; general purpose rev. – public library boards</td>
</tr>
<tr>
<td>(es) Principal, interest and rebates; general purpose revenue – schools</td>
</tr>
<tr>
<td>(et) Educational technology training &amp; technical assistance grants</td>
</tr>
<tr>
<td>(f) Educational technology block grants</td>
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<tr>
<td>(g) Gifts and grants</td>
</tr>
<tr>
<td>(h) Principal, interest and rebates; program revenue – schools</td>
</tr>
<tr>
<td>(hb) Principal, interest &amp; rebates; program revenue – public library boards</td>
</tr>
<tr>
<td>(k) Funds received from other state agencies</td>
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<tr>
<td>(L) Equipment purchases and leases</td>
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<tr>
<td>(m) Federal aid</td>
</tr>
<tr>
<td>(s) Telecommunications access; school districts; grant</td>
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<tr>
<td>(t) Telecommunications access; private and technical colleges and libraries</td>
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# ASSEMBLY BILL 144

<table>
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<tr>
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<th>TYPE</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>(tm) Telecommunications access; private schools</td>
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<td>(tu) Telecommunications access; state schools</td>
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<td>B</td>
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<td>(tw) Telecommunications access; secured correctional facilities</td>
<td>SEG</td>
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<td>251,100</td>
<td>233,400</td>
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## 20.275 DEPARTMENT TOTALS

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<td>(764,000)</td>
</tr>
<tr>
<td>OTHER</td>
<td>(2,494,800)</td>
<td>(2,498,300)</td>
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<td>(68,100)</td>
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<td>SEGREGATED FUNDS</td>
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<td>13,689,700</td>
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<td>OTHER</td>
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<td>(13,689,700)</td>
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<tr>
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<td>62,690,300</td>
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## 20.285 University of Wisconsin system

<table>
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<tr>
<th>(1)</th>
<th>UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE</th>
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<tbody>
<tr>
<td>(a)</td>
<td>General program operations</td>
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<tr>
<td>(ab)</td>
<td>Student aid</td>
</tr>
<tr>
<td>(am)</td>
<td>Distinguished professorships</td>
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<tr>
<td>(as)</td>
<td>Industrial and economic development research</td>
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<tr>
<td>(b)</td>
<td>Area health education centers</td>
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<tr>
<td>(bm)</td>
<td>Fee remissions</td>
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<tr>
<td>(c)</td>
<td>Energy costs</td>
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<td>(cg)</td>
<td>Driver education teachers</td>
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<tr>
<td>(cm)</td>
<td>Educational technology</td>
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### Assembly Bill 144

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## ASSEMBLY BILL 144

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(1) PROGRAM TOTALS

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(3) UNIVERSITY SYSTEM ADMINISTRATION

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(3) PROGRAM TOTALS

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## ASSEMBLY BILL 144

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1. **Minority and disadvantaged programs**
   2. (a) Minority and disadvantaged programs
   3. (b) Graduate student financial aid
   4. (dd) Lawton minority undergraduate grants program

(4) **PROGRAM TOTALS**

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7. **University of Wisconsin–Madison intercollegiate athletics**

8. (a) General program operations
9. (h) Auxiliary enterprises
10. (i) Nonincome sports
11. (j) Gifts and grants

(5) **PROGRAM TOTALS**

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12. **University of Wisconsin hospitals and clinics authority**

13. (a) Services received from authority
14. (g) Services provided to authority

(6) **PROGRAM TOTALS**

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### ASSEMBLY BILL 144

#### STATUTE, AGENCY AND PURPOSE

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2029 DEPARTMENT TOTALS

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<td>(30,716,400)</td>
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<td>(1,404,800)</td>
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<td>SERVICE</td>
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Education

FUNCTIONAL AREA TOTALS

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Environmental Resources

1. **20.315 Boundary area commission, Minnesota-Wisconsin**

2. (1) **Boundary area cooperation**

3. (q) General program operations —

   conservation fund SEG A 193,600 199,400

20.315 Department Totals

   SEGREGATED FUNDS 193,600 199,400
   OTHER (193,600) (199,400)
   TOTAL—ALL SOURCES 193,600 199,400

4. **20.320 Environmental improvement program**

   (1) **Clean water fund program operations**

   (a) Environmental aids — clean water

   fund program GPR A −0− −0−

   (c) Principal repayment and interest — clean water fund

   program GPR S 29,162,700 33,030,200

   (r) Clean water fund program

   repayment of revenue obligations SEG S −0− −0−

   (s) Clean water fund program financial assistance SEG S −0− −0−

   (sm) Land recycling loan program

   financial assistance SEG S −0− −0−
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<tr>
<th>STATUTE, AGENCY AND PURPOSE</th>
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<tr>
<td>(t) Principal repayment and interest — clean water fund program bonds</td>
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<td>C</td>
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<tr>
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**1) PROGRAM TOTALS**

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<td>6,000,000</td>
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<tr>
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<td>(6,000,000)</td>
<td>(6,000,000)</td>
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<td>39,030,200</td>
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**2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS**

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<td>(c) Principal repayment and interest — safe drinking water loan program</td>
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<td>(s) Safe drinking water loan programs financial assistance</td>
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<td>S</td>
<td>-0-</td>
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<tr>
<td>(x) Safe drinking water loan programs financial assistance; federal</td>
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**2) PROGRAM TOTALS**

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<td>-0-</td>
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<tr>
<td>FEDERAL</td>
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<td>(-0-)</td>
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<tr>
<td>OTHER</td>
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<td>(-0-)</td>
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### Statute, Agency and Purpose

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#### Program Totals

| SEGREGATED FUNDS | GENERAL PURPOSE REVENUES | 30,788,400 | 35,148,000 |
| OTHER | SEGREGATED FUNDS | 6,000,000 | 6,000,000 |
| FEDERAL | OTHER | (-0-) | (-0-) |
| TOTAL-ALL SOURCES | TOTAL-ALL SOURCES | 36,788,400 | 41,148,000 |

### 20.360 Lower Wisconsin state riverway board

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<td>(1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY</td>
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<td>(q) General program operations</td>
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<tr>
<td>conservation fund</td>
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### 20.360 Department Totals

| PROGRAM REVENUE | -0- | -0- |
| OTHER | SEGREGATED FUNDS | 153,800 | 153,800 |
| OTHER | TOTAL-ALL SOURCES | 153,800 | 153,800 |

### 20.370 Natural resources, department of

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<td>(cr) Forestry — recording fees</td>
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<td>(cs) Forestry — forest fire emergencies</td>
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<td>STATUTE, AGENCY AND PURPOSE</td>
<td>SOURCE</td>
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<td>1 (ct) Timber sales contracts − repair and reimbursement costs</td>
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<td>3 (eq) Parks and forests − operation and maintenance</td>
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<td>4 (er) Parks and forests − recycling activities</td>
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<td>7 (fd) Endangered resources — natural heritage inventory program</td>
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<td>8 (fe) Endangered resources — general fund</td>
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<td>9 (fs) Endangered resources — voluntary payments; sales, leases and fees</td>
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<td>11 (gr) Endangered resources program — gifts and grants</td>
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<td>1 (hr) Pheasant restoration</td>
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<td>2 (ht) Wild turkey restoration</td>
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<td>3 (hu) Wetlands habitat improvement</td>
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<td>4 (ik) Deer management</td>
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<td>5 (it) Atlas revenues</td>
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<td>6 (iu) Gravel pit reclamation</td>
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<td>7 (jr) Rental property and equipment — maintenance and replacement</td>
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<td>15 (Ls) Control of wild animals</td>
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<td>16 (Lt) Wildlife management</td>
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<td>20 (mg) General program operations — endangered resources</td>
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<td>22 (mi) General program operations — private and public sources</td>
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<td>SEG</td>
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<td>Forestry</td>
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<td>SEG-F</td>
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## ASSEMBLY BILL 144

### STATURE, AGENCY AND PURPOSE

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<td>(7,261,500)</td>
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## Assembly Bill 144

### Statute, Agency and Purpose

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## ASSEMBLY BILL 144

### STATUTE, AGENCY AND PURPOSE

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**ASSEMBLY BILL 144**

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(3) PROGRAM TOTALS

| GENERAL PURPOSE REVENUES | 5,647,400 | 5,647,400 |
| PROGRAM REVENUE | 2,820,700 | 2,824,700 |
| FEDERAL | (420,300) | (420,300) |
| OTHER | (1,068,000) | (1,068,000) |
| SERVICE | (1,332,400) | (1,336,400) |
| SEGREGATED FUNDS | 27,510,600 | 27,479,600 |
| FEDERAL | (5,584,400) | (5,598,600) |
| OTHER | (21,926,200) | (21,881,000) |
| TOTAL—ALL SOURCES | 35,978,700 | 35,951,700 |

(4) WATER

<p>| Water resources – trading water pollution credits | GPR | C | 50,000 | 50,000 |
| Watershed – nonpoint source contracts | GPR | B | 1,079,300 | 1,079,300 |</p>
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**FUNDING:**

- **Fishery resources for ceded territories**
- **Great Lakes trout and salmon**
- **Trout habitat improvement**
- **General program operations – state funds**
- **Watershed management**
- **Fisheries management and habitat protection**
- **Drinking water and groundwater**
- **Fisheries management and habitat protection**
- **General program operations – private and public sources**
- **General program operations — service funds**
- **General program operations – federal funds**
- **Watershed management**
- **Fisheries management and habitat protection**
### Section 395

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<td>(nz) General program operations−safe drinking water loan programs; federal funds</td>
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(4) PROGRAM TOTALS

| General Purpose Revenues | 19,109,600 | 19,109,600 |
| Program Revenue | 10,699,200 | 10,724,200 |
| Federal | (8,245,100) | (8,245,100) |
| Other | (1,957,800) | (1,982,800) |
| Service | (496,300) | (496,300) |
| Segregated Funds | 27,734,300 | 27,876,400 |
| Federal | (4,199,500) | (4,077,000) |
| Other | (23,534,800) | (23,799,400) |
| Total−All Sources | 57,543,100 | 57,710,200 |

(5) Conservation Aids

<table>
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<tbody>
<tr>
<td>(ac) Resource aids − Milwaukee public museum</td>
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<tr>
<td>(aq) Resource aids − Canadian agencies migratory waterfowl aids</td>
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<td>(ar) Resource aids − county conservation aids</td>
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<tr>
<td>(as) Recreation aids − fish, wildlife, and forestry recreation aids</td>
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<td>(at) Ice age trail area grants</td>
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<td>(au) Resource aids − Ducks Unlimited, Inc. payments</td>
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<td>(av) Resource aids − private forest grants</td>
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<td>(aw) Resource aids − nonprofit conservation organizations</td>
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<td>Statute, Agency and Purpose</td>
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<tr>
<td>(ay) Resource aids – urban land conservation</td>
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</tr>
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<td>(bq) Resource aids – county forest loans; severance share payments</td>
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<tr>
<td>(br) Resource aids – forest croplands</td>
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<tr>
<td>and managed forest land aids</td>
<td>SEG A</td>
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<tr>
<td>(bs) Resource aids – county forest loans</td>
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<tr>
<td>(bt) Resource aids – county forest project loans</td>
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<tr>
<td>(bu) Resource aids – county forest project loans; severance share payments</td>
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<tr>
<td>(bv) Res. aids – county forests, forest croplands and managed forest land aids</td>
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<td>(bw) Resource aids – urban forestry and county forest administrator grants</td>
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<td>(bx) Resource aids – national forest income aids</td>
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<td>(by) Resource aids — fire suppression grants</td>
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<tr>
<td>(cb) Recreation aids – snowmobile trail and area aids; general fund</td>
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## Statute, Agency and Purpose

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### Statute, Agency and Purpose

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### Program Totals

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<tr>
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<tr>
<td><strong>Other</strong></td>
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<td><strong>Total—all sources</strong></td>
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### Environmental Aids

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### ASSEMBLY BILL 144

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<td>(av) Environmental aids − river protection; conservation fund</td>
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<td>(aw) Environmental aids − river protection; nonprofit organization contracts</td>
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### STATUTE, AGENCY AND PURPOSE

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<th>2002-03</th>
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<tr>
<td>1</td>
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<td>(cr) Environmental aids – compensation</td>
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<td>for well contamination</td>
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<td>120,000</td>
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<tr>
<td>9</td>
<td>(dm) Environmental planning aids –</td>
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#### (6) PROGRAM TOTALS

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<tr>
<td>OTHER</td>
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<td>SEGREGATED FUNDS</td>
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<tr>
<td>TOTAL—ALL SOURCES</td>
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#### (7) DEBT SERVICE AND DEVELOPMENT

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<td>(ag) Land acquisition; principal repayment and interest</td>
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### STATUTE, AGENCY AND PURPOSE

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(7) PROGRAM TOTALS

| GENERAL PURPOSE REVENUES | 114,584,000 | 119,220,700 |
| PROGRAM REVENUE | 1,000,000 | 1,000,000 |
## Assembly Bill 144

### Statute, Agency and Purpose

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<tr>
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1. **Adminstration and Technology**
   - Promotional activities and publications
     - SEG C 83,000 83,000
   - Statewide recycling administration
     - SEG A 142,600 142,600
   - General program operations — state funds
     - GPR A 8,439,700 8,561,400
   - General program operations — stationary sources
     - PR A -0- -0-
   - General program operations — private and public sources
     - PR C -0- -0-
   - Service funds
     - PR-S C 7,129,800 7,129,800
   - General program operations — mobile sources
     - SEG A 493,500 493,000
   - General program operations — environmental improvement fund
     - SEG A 292,800 292,800
   - Equipment pool operations
     - SEG-S C -0- -0-
   - General program operations — state funds
     - SEG A 16,097,900 16,151,900
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### (9) PROGRAM TOTALS

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20.370 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES 168,700,700 173,338,400
PROGRAM REVENUE 50,091,700 50,038,400

FEDERAL (16,710,900) (16,616,000)
OTHER (20,005,000) (20,050,700)

SERVICE (13,375,800) (13,371,700)
SEGREGATED FUNDS 248,212,900 246,147,700

FEDERAL (28,509,500) (28,378,100)
OTHER (219,703,400) (217,769,600)
SERVICE (−0−) (−0−)
TOTAL−ALL SOURCES 467,005,300 469,524,500

1 20.373 Fox river navigational system authority

2 (1) Initial costs

3 (r) Establishment and operation SEG C 90,000 126,700

20.373 DEPARTMENT TOTALS

SEGREGATED FUNDS 90,000 126,700
OTHER (90,000) (126,700)
TOTAL−ALL SOURCES 90,000 126,700

4 20.380 Tourism, department of

5 (1) Tourism development promotion

6 (a) General program operations GPR A 4,141,700 4,141,700

7 (b) Tourism marketing; general purpose revenue GPR A 7,093,100 7,093,100

8 (bm) Heritage tourism program GPR B 143,400 143,400

9 (g) Gifts, grants and proceeds PR C 6,200 6,200

10 (h) Tourism promotion; sale of surplus property PR C −0− −0−
### Statute, Agency and Purpose

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**Program Totals**

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<td>Other</td>
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<td>Total—All Sources</td>
<td>15,629,500</td>
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(2) Kickapoo Valley Reserve
**ASSEMBLY BILL 144**

<table>
<thead>
<tr>
<th>STATUTE, AGENCY AND PURPOSE</th>
<th>SOURCE</th>
<th>TYPE</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>(ip) Kickapoo reserve management board; program services</td>
<td>PR</td>
<td>C</td>
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<td>-0-</td>
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<td>(ir) Kickapoo reserve management board; gifts and grants</td>
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<td>C</td>
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<td>(q) Kickapoo reserve management board; general program operations</td>
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<td>(r) Kickapoo valley reserve; aids in lieu of taxes</td>
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(2) PROGRAM TOTALS

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20.380 DEPARTMENT TOTALS

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<td>OTHER</td>
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20.395 Transportation, department of

(1) AIDS

(ar) Corrections of transportation aid payments | SEG | S | -0- | -0- |
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<th>2002-03</th>
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<td>(bs) Transportation employment and mobility, state funds</td>
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<td>336,000</td>
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<td>(bt) Urban rail transit system grants</td>
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<td>(bv) Transit and transportation employment and mobility aids, local funds</td>
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### ASSEMBLY BILL 144

**SECTION 395**

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<td>Grants to local professional football stadium districts, state funds</td>
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## STATUTE, AGENCY AND PURPOSE

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<td>2</td>
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<td>3</td>
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### (1) PROGRAM TOTALS

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### (2) LOCAL TRANSPORTATION ASSISTANCE

<table>
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<td>10</td>
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<td>Accelerated local bridge improvement assistance, local funds</td>
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<td>11</td>
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<td>-0–</td>
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<tr>
<td>12</td>
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<td>Rail service assistance, state funds</td>
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<td>13</td>
<td>(bu)</td>
<td>Freight rail infrastructure improvements, state funds</td>
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</table>
### ASSEMBLY BILL 144

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
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<td>(bw) Freight rail assistance loan repayments, local funds</td>
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<td>(cv) Rail passenger service, local funds</td>
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<td>−0−</td>
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### ASSEMBLY BILL 144

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<th>Type</th>
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### ASSEMBLY BILL 144

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<td>(iv) Tommy G. Thompson transportation economic assistance program, local funds</td>
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<td>-0-</td>
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(3) STATE HIGHWAY FACILITIES
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<td>(cx) State highway rehabilitation, federal funds</td>
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<td>26,868,000</td>
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### ASSEMBLY BILL 144

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<th>2002-03</th>
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<td>(eq) Highway maintenance, repair, and traffic operations, state funds</td>
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<td>(jj) Damage claims</td>
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<td>1,850,000</td>
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<td>(js) Telecommunications services, service funds</td>
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#### (3) PROGRAM TOTALS

<p>| PROGRAM REVENUE | 5,350,000 | 3,350,000 |
| OTHER | (1,850,000) | (1,850,000) |
| SERVICE | (3,500,000) | (1,500,000) |
| SEGREGATED FUNDS | 1,053,898,400 | 1,140,024,100 |
| FEDERAL | (435,699,100) | (478,941,600) |
| OTHER | (488,629,200) | (523,918,300) |
| SERVICE | (124,535,100) | (134,668,200) |
| LOCAL | (5,035,000) | (2,496,000) |
| TOTAL–ALL SOURCES | 1,059,248,400 | 1,143,374,100 |</p>
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<th>TYPE</th>
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<th>2002-03</th>
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<tr>
<td>(4) General transportation operations</td>
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<td>(aq) Departmental management and operations, state funds</td>
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<td>53,857,500</td>
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<td>-0-</td>
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<td>(at) Capital building projects, service funds</td>
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<td>C</td>
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<td>6,000,000</td>
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<tr>
<td>(av) Departmental management and operations, local funds</td>
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<td>369,000</td>
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<td>(ax) Departmental management and operations, federal funds</td>
<td>SEG−F</td>
<td>C</td>
<td>15,322,900</td>
<td>15,308,800</td>
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<tr>
<td>(ch) Gifts and grants</td>
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<td>C</td>
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<td>-0-</td>
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<tr>
<td>(dq) Demand management</td>
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<td>306,400</td>
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<td>15,109,600</td>
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<td>(er) Fleet operations, service funds</td>
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<td>12,033,200</td>
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<td>(es) Other department services, operations, service funds</td>
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<td>1,099,200</td>
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<td>(et) Equipment acquisition</td>
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<td>-0-</td>
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(4) PROGRAM TOTALS

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<td>(15,308,800)</td>
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<tr>
<td>OTHER</td>
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<td>(54,163,900)</td>
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<td>SERVICE</td>
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<td>(34,242,000)</td>
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<td>STATUTE, AGENCY AND PURPOSE</td>
<td>SOURCE</td>
<td>TYPE</td>
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<tr>
<td>----------------------------</td>
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</tr>
<tr>
<td>(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT</td>
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<td></td>
</tr>
<tr>
<td>(cg) Vehicle registration, telephone renewal transactions, state funds</td>
<td>PR</td>
<td>C</td>
</tr>
<tr>
<td>(ch) Repaired salvage vehicle examinations, state funds</td>
<td>PR</td>
<td>C</td>
</tr>
<tr>
<td>(ci) Breath screening instruments, state funds</td>
<td>PR</td>
<td>C</td>
</tr>
<tr>
<td>(cj) Vehicle registration, special group plates, state funds</td>
<td>PR</td>
<td>C</td>
</tr>
<tr>
<td>(cL) Licensing fees, state funds</td>
<td>PR</td>
<td>C</td>
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<tr>
<td>(cq) Veh. reg., insp. &amp; maint., driver licensing &amp; aircraft reg., state funds</td>
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<td>A</td>
</tr>
<tr>
<td>(cx) Vehicle registration and driver licensing, federal funds</td>
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<td>C</td>
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<tr>
<td>(dg) Escort, security and traffic enforcement services, state funds</td>
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<td>(dh) Traffic academy tuition payments, state funds</td>
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<td>(di) Chemical testing training and services, state funds</td>
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<td>(dk) Public safety radio management, service funds</td>
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LOCAL (369,000) (369,000)
TOTAL—ALL SOURCES 102,482,900 104,083,700
## Statute, Agency and Purpose

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<td>(ek) Safe-ride grant program; state funds</td>
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<td>(hx) Motor vehicle emission inspection and maintenance programs, federal funds</td>
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<td>C</td>
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<td>(jr) Pretrial intoxicated driver intervention grants, state funds</td>
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<tr>
<td></td>
<td>OTHER</td>
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<td></td>
<td>LOCAL</td>
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<td>1 (6) Debt services</td>
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<td>2 (af) Principal repayment and interest,</td>
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<td>3 local roads for job preserv, state</td>
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<tr>
<td>4 funds</td>
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<td>5 (aq) Principal repayment and interest,</td>
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<tr>
<td>6 transportation facilities, state funds</td>
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<tr>
<td>7 (ar) Principal repayment and interest,</td>
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<tr>
<td>8 buildings, state funds</td>
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(6) Program Totals

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<th>General Purpose Revenues</th>
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<th>2002-03</th>
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<td>General Purpose Revenues</td>
<td>389,500</td>
<td>876,800</td>
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<td>Segregated Funds</td>
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(9) General Provisions

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<td>11 (qd) Freeway land disposal</td>
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<td>-0-</td>
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<tr>
<td>reimbursement clearing account</td>
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<td>12 (qh) Highways, bridges and local transportation assistance clearing account</td>
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<td>13 (qj) Hwys., bridges &amp; local transp. assist. clearing acct., fed. funded pos.</td>
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<td>19 (qn) Motor vehicle financial responsibility</td>
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### 20.395 Department Totals

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<td>(th) Temporary funding of projects financed by revenue bonds</td>
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### 20.395 Program Totals

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<tr>
<td></td>
<td>Other</td>
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<td>23,598,700</td>
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<td></td>
<td>Service</td>
<td>157,154,400</td>
<td>168,910,200</td>
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### Environmental Resources

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<td>389,500</td>
<td>876,800</td>
</tr>
<tr>
<td>Program Revenue</td>
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<td>Service</td>
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<td>Segregated Funds</td>
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<td>(1,267,498,000)</td>
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<td>(168,910,200)</td>
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### Human Relations and Resources

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<th>2002-03</th>
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<tr>
<td>20.410 Corrections, department of</td>
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## ASSEMBLY BILL 144

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(1) PROGRAM TOTALS

| GENERAL PURPOSE REVENUES | 751,294,600 | 757,153,300 |
| PROGRAM REVENUE | 58,802,900 | 60,668,000 |
| FEDERAL | (2,599,600) | (2,559,900) |
| OTHER | (9,983,000) | (10,005,900) |
| SERVICE | (46,220,300) | (48,102,200) |
| SEGREGATED FUNDS | 386,300 | 387,200 |
| OTHER | (386,300) | (387,200) |
| TOTAL−ALL SOURCES | 810,483,800 | 818,208,500 |

(2) PAROLE PROGRAM

<p>| GENERAL PURPOSE REVENUES | 1,154,800 | 1,185,800 |
| PROGRAM REVENUE | -0- | -0- |</p>
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### STATUTE, AGENCY AND PURPOSE

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### (3) PROGRAM TOTALS

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<td>Other</td>
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### 20.410 DEPARTMENT TOTALS

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#### 20.425 Department Totals

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### 20.432 Board on aging and long-term care

#### 20.432 DEPARTMENT TOTALS

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### 20.433 Child abuse and neglect prevention board

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#### 20.433 DEPARTMENT TOTALS

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<td>SEGREGATED FUNDS</td>
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<tr>
<td>OTHER</td>
<td>(43,000)</td>
<td>(44,000)</td>
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<tr>
<td>TOTAL-ALL SOURCES</td>
<td>2,648,400</td>
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#### 20.434 Adolescent pregnancy prevention and pregnancy services

<table>
<thead>
<tr>
<th></th>
<th>20.434 ADOLESCENT PREGNANCY PREVENTION AND PREGNANCY SERVICES</th>
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</thead>
<tbody>
<tr>
<td>8</td>
<td>(a) General program operations</td>
</tr>
<tr>
<td>9</td>
<td>(b) Grants to organizations</td>
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<td>10</td>
<td>(g) Adolescent pregnancy prevention and intervention conference</td>
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<tr>
<td>12</td>
<td>(kp) Interagency and intra-agency programs</td>
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<tr>
<td>14</td>
<td>(ky) Interagency and intra-agency aids;</td>
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#### 20.434 DEPARTMENT TOTALS

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<tr>
<td>OTHER</td>
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<td>(-0-)</td>
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<tr>
<td>SERVICE</td>
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<td>560,800</td>
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<td>Type</td>
</tr>
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<tr>
<td>20.435 Health and family services, department of</td>
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<tr>
<td>(1) Public health services planning, regulation and delivery, state operations</td>
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<tr>
<td>(a) General program operations</td>
<td>GPR</td>
<td>A</td>
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<tr>
<td>(gm) Licensing, review and certifying activities fees; supplies and services</td>
<td>PR</td>
<td>A</td>
</tr>
<tr>
<td>(gr) Supplemental food program for women, infants and children administration</td>
<td>PR</td>
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<tr>
<td>(i) Gifts and grants</td>
<td>PR</td>
<td>C</td>
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<tr>
<td>(jb) Congenital disorders; operations</td>
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<tr>
<td>(kx) Interagency and intra-agency programs</td>
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<td>C</td>
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<tr>
<td>(m) Federal project operations</td>
<td>PR-F</td>
<td>C</td>
</tr>
<tr>
<td>(mc) Block grant operations</td>
<td>PR-F</td>
<td>C</td>
</tr>
<tr>
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<td>C</td>
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<td>(q) Groundwater and air quality standards</td>
<td>SEG</td>
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(1) Program Totals

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<td>General purpose revenues</td>
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<tr>
<td>Federal</td>
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<td>(23,447,200)</td>
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<tr>
<td>Other</td>
<td>(6,496,800)</td>
<td>(6,748,300)</td>
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<tr>
<td>Service</td>
<td>(1,436,500)</td>
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<tr>
<td>Segregated funds</td>
<td>386,600</td>
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<td>Other</td>
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<td>Total—all sources</td>
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(2) Care and treatment facilities
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<td>(a) General program operations</td>
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<td>36,148,200</td>
<td>36,384,300</td>
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<td>(aa) Institutional repair and maintenance</td>
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<td>A</td>
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<td>659,300</td>
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<td>(b) Wisconsin resource center</td>
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<td>32,380,800</td>
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<tr>
<td>(bj) Competency examinations and conditional and supervised release services</td>
<td>GPR</td>
<td>B</td>
<td>4,544,600</td>
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<td>(bm) Secure mental health units or facilities</td>
<td>GPR</td>
<td>A</td>
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<td>24,708,400</td>
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<td>(ee) Principal repayment and interest</td>
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<td>S</td>
<td>12,481,000</td>
<td>12,551,100</td>
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<td>(ef) Lease rental payments</td>
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<td>S</td>
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<td>-0-</td>
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<td>(f) Energy costs</td>
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<td>A</td>
<td>2,466,000</td>
<td>2,599,700</td>
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<td>(g) Alternative services of institutes and centers</td>
<td>PR</td>
<td>A</td>
<td>2,048,700</td>
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<td>(gk) Institutional operations and charges</td>
<td>PR</td>
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<td>159,064,000</td>
<td>159,379,400</td>
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<td>(gs) Sex offender honesty testing</td>
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<td>(i) Gifts and grants</td>
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<td>(kx) Interagency and intra-agency programs</td>
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<td>7,545,800</td>
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<td>(ky) Interagency and intra-agency aids</td>
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<td>C</td>
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<td>-0-</td>
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<tr>
<td>(kz) Interagency and intra-agency local assistance</td>
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<td>C</td>
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<td>Source</td>
<td>Type</td>
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<td>----------------------------</td>
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<tr>
<td><strong>(2) PROGRAM TOTALS</strong></td>
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<tr>
<td>General Purpose Revenues</td>
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<td>Service</td>
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<tr>
<td>Total—All Sources</td>
<td></td>
<td></td>
<td>280,763,900</td>
<td>283,549,400</td>
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(3) CHILDREN AND FAMILY SERVICES

2. (a) General program operations GPR A 5,047,800 5,261,600
3. (bc) Grants for children's community programs GPR A 652,200 652,200
4. (bm) Services for children and families GPR S 250,000 250,000
5. (cd) Domestic abuse grants GPR A 5,070,200 5,070,200
6. (cf) Foster, trnt foster & family-operated group home parent ins & liability GPR A 60,000 60,000
7. (cw) Milwaukee child welfare services; general program operations GPR A 12,920,100 13,245,500
8. (cx) Milwaukee child welfare services; aids GPR A 48,549,300 48,584,000
9. (dd) State foster care and adoption services GPR A 25,371,500 28,502,200
10. (de) Child abuse and neglect prevention grants GPR A 995,700 995,700
11. (df) Child abuse and neglect prevention technical assistance GPR A 160,000 160,000
<table>
<thead>
<tr>
<th>STATUTE, AGENCY AND PURPOSE</th>
<th>SOURCE</th>
<th>TYPE</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>(dg) State adoption information exchange and state adoption center</td>
<td>GPR</td>
<td>A</td>
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<td>145,000</td>
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<tr>
<td>(dn) Food distribution grants</td>
<td>GPR</td>
<td>A</td>
<td>170,000</td>
<td>170,000</td>
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<tr>
<td>(eg) Adolescent services</td>
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<td>592,400</td>
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<td>(gx) Milwaukee child welfare services; collections</td>
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<td>C</td>
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<td>2,992,300</td>
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<td>(hh) Domestic abuse assessment grants</td>
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<td>365,000</td>
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<td>(i) Gifts and grants</td>
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<td>(j) Statewide automated child welfare information system receipts</td>
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<td>(jj) Searches for birth parents and adoption record information; foreign adopt</td>
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<td>62,900</td>
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<td>(jm) Licensing activities</td>
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<td>567,900</td>
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<td>(kc) Interagency and intra-agency aids; kinship care and long-term kinship care</td>
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<td>23,101,300</td>
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<td>(kd) Kinship care and long-term kinship care assessments</td>
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<td>1,464,000</td>
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<td>(km) Federal block grant transfer; aids</td>
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<td>(kw) Interagency and intra-agency aids; Milwaukee child welfare services</td>
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<tr>
<td>(kx) Interagency and intra-agency programs</td>
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<td>(ky) Interagency and intra-agency aids</td>
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<td>-0-</td>
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<td>955,200</td>
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<td>-0-</td>
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<td>(mx) Federal aid; Milwaukee child welfare services aids</td>
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<td>18,804,000</td>
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(3) PROGRAM TOTALS

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<tr>
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<td>241,830,100</td>
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(4) HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; HEALTH CARE FINANCING

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<tr>
<th>AMOUNTS</th>
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<th>2002-03</th>
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<td>(a) General program operations</td>
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<tr>
<td>(af) HIRSP; transfer to fund for costs</td>
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<td>10,000,000</td>
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<tr>
<td>(ah) HIRSP; transfer to fund for premium and deductible reduction subsidy</td>
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<td>780,800</td>
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<tr>
<td>(b) Medical assistance program benefits</td>
<td>1,071,574,400</td>
<td>1,104,477,000</td>
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<tr>
<td>(bc) Health care for low-income families</td>
<td>46,773,100</td>
<td>52,336,900</td>
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<td>(bm) Medical assist admin; contract costs, insurer reports, and resource centers</td>
<td>18,959,500</td>
<td>19,508,700</td>
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<tr>
<td>(bn) Medical assistance administration; payments to counties</td>
<td>21,591,900</td>
<td>21,591,900</td>
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<tr>
<td>(bt) Relief block grants to counties</td>
<td>800,000</td>
<td>800,000</td>
</tr>
<tr>
<td>(d) Facility appeals mechanism</td>
<td>546,800</td>
<td>546,800</td>
</tr>
<tr>
<td>(e) Disease aids</td>
<td>4,932,000</td>
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<tr>
<td>(g) Family care benefit; cost sharing</td>
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</table>
### ASSEMBLY BILL 144

#### STATUTE, AGENCY AND PURPOSE

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<th></th>
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<th>PR</th>
<th>A</th>
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<td>2</td>
<td>Health care and graduate medical education; aids</td>
<td>PR</td>
<td>C</td>
<td>1,500,000</td>
<td>1,500,000</td>
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<td>3</td>
<td>General assistance medical program; intergovernmental transfer</td>
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<td>A</td>
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<td>2,500,000</td>
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<td>4</td>
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<td>C</td>
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<td>6</td>
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<td>PR</td>
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<td>8</td>
<td>Medical assistance; recovery of correct payments</td>
<td>PR</td>
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<td>15,805,000</td>
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<td>9</td>
<td>Community options program; family care; recovery of costs administration</td>
<td>PR</td>
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<td>76,300</td>
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<td>PR</td>
<td>C</td>
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<td>−0−</td>
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<td>11</td>
<td>Badger care premiums</td>
<td>PR</td>
<td>C</td>
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<td>12</td>
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## Statute, Agency and Purpose

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### Program Totals

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## Section 395

**Assembly Bill 144**  

### Statute, Agency and Purpose

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1. **(5) Public Health Services Planning, Regulation & Delivery, AIDS & Local Assist**

2. (am) Services, reimbursement and payment related to human immunodeficiency virus  
   - GPR A 4,083,800 4,083,800

3. (cb) Women’s health services  
   - GPR A 1,200,000 1,200,000

4. (cc) Cancer treatment, training, follow-up, control and prevention  
   - GPR A 1,282,800 1,282,800

5. (ce) Services for homeless individuals  
   - GPR C 125,000 125,000

6. (ch) Emergency medical services; aids  
   - GPR A 2,200,000 2,200,000

7. (cm) Immunization  
   - GPR S −0− −0−

8. (de) Dental services  
   - GPR A 2,970,500 2,970,500

9. (dg) Tobacco prevention and education program  
   - GPR A 500,000 −0−

10. (ds) Statewide poison control program  
    - GPR A 375,000 375,000

11. (e) Public health dispensaries and drugs  
    - GPR B 391,900 391,900

12. (ed) Radon aids  
    - GPR A 30,000 30,000

13. (ef) Lead poisoning or lead exposure services  
    - GPR A 1,004,100 1,004,100

14. (eg) Pregnancy counseling  
    - GPR A 77,600 77,600
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<th>SOURCE</th>
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<td>(ja) Congenital disorders; diagnosis, special dietary treatment and counseling</td>
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(5) PROGRAM TOTALS

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(6) SUPPORTIVE LIVING; STATE OPERATIONS
### ASSEMBLY BILL 144

**Statute, Agency and Purpose** | **Source** | **Type** | **2001-02** | **2002-03**
--- | --- | --- | --- | ---
1. (a) General program operations; projects; council on physical disabilities | GPR | A | 14,420,300 | 14,363,400
2. (dm) Nursing home monitoring and receivership supplement | GPR | S | -0- | -0-
3. (e) Principal repayment and interest | GPR | S | 54,000 | 47,800
4. (ee) Admin. exp. for state suppl to federal supplemental security income program | GPR | A | 859,800 | 859,800
5. (g) Nursing facility resident protection | PR | C | 150,000 | 150,000
6. (ga) Community-based residential facility monitoring and receivership ops | PR | C | -0- | -0-
7. (gb) Alcohol and drug abuse initiatives | PR | C | 893,500 | 948,400
8. (gd) Group home revolving loan fund | PR | A | 100,000 | 100,000
9. (hs) Interpreter services for hearing impaired | PR | A | 40,000 | 40,000
10. (hx) Services related to drivers, receipts | PR | A | -0- | -0-
11. (i) Gifts and grants | PR | C | 22,300 | 22,400
12. (jb) Fees for administrative services | PR | C | 462,000 | 462,100
13. (jm) Licensing and support services | PR | A | 3,295,600 | 3,304,500
14. (k) Nursing home monitoring and receivership operations | PR-S | C | -0- | -0-
### ASSEMBLY BILL 144

#### STATUTE, AGENCY AND PURPOSE

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#### PROGRAM TOTALS

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#### SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE

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<td>(bt) Early intervention services for infants and toddlers with disabilities</td>
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<td>(c) Independent living centers</td>
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<td>(ce) Services for homeless individuals</td>
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<td>(d) Telecommunication aid for the hearing impaired</td>
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<td>(ed) State supplement to federal supplemental security income program</td>
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<td>Statute, Agency and Purpose</td>
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(7) Program Totals

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(8) PROGRAM TOTALS

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20.435 DEPARTMENT TOTALS

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3 20.436 Tobacco control board

4 (1) SMOKING CESSATION AND EDUCATION

5 (g) Gifts and grants       | PR   | C    | -0-   | -0-   |

6 (tb) General program operations | SEG   | B    | 352,400 | 361,200 |

7 (tc) Grants                  | SEG   | C    | 11,654,000 | 20,808,000 |

20.436 DEPARTMENT TOTALS

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8 20.440 Health and educational facilities authority

9 (1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES

10 (a) General program operations | GPR   | C    | -0-   | -0-   |
### Section 395

#### Assembly Bill 144

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### Section 395

**ASSEMBLY BILL 144**

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(1) **Program Totals**

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ASSEMBLY BILL 144

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1. (2) REVIEW COMMISSION

2. (a) General program operations, review

3. (ha) Worker's compensation operations

4. (m) Federal moneys

5. (n) Unemployment administration;

6. federal moneys

7. (2) PROGRAM TOTALS

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8. (3) ECONOMIC SUPPORT

9. (a) General program operations

10. (br) Public assistance reform studies

11. (cm) Wisconsin works child care

12. (cr) State supplement to employment

13. (dc) Emergency assistance program

14. (dz) Wisconsin works and other public assistance administration and benefits

15.
## ASSEMBLY BILL 144

### STATUTE, AGENCY AND PURPOSE

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<td>7 (ps) Food stamp employment and training program; aids</td>
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<td>8 (pv) Food stamps; electronic benefit transfer</td>
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<td>9 (pz) Income augmentation services receipts</td>
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<td>10 (q) Centralized support receipt and disbursement; interest</td>
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**(3) PROGRAM TOTALS**

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<td>(gp) Contractual services aids</td>
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<td>(h) Enterprises and services for blind and visually impaired</td>
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<td>(hd) Rehabilitation teaching aids</td>
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<td>(he) Supervised business enterprise</td>
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<td>(i) Gifts and grants</td>
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### STATUTE, AGENCY AND PURPOSE

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8 (6) COMMUNITY SERVICE PROGRAMS

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<td>12</td>
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## ASSEMBLY BILL 144

### Statute, Agency and Purpose

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### (6) Program Totals

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### (7) Governor's Work-Based Learning Board

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<tr>
<td>Local youth apprenticeship grants</td>
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<tr>
<td>School-to-work programs for children at risk</td>
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<tr>
<td>Auxiliary services</td>
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### STATUTE, AGENCY AND PURPOSE

<table>
<thead>
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<td>3</td>
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<td>4</td>
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<td>5</td>
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<td>6</td>
<td></td>
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<td>8</td>
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### 7 PROGRAM TOTALS

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### 20.445 DEPARTMENT TOTALS

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### 20.455 Justice, department of

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<td>(b) Special counsel</td>
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<td>(d) Legal expenses</td>
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### ASSEMBLY BILL 144

**SECTION 395**

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(1) **PROGRAM TOTALS**

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(2) **LAW ENFORCEMENT SERVICES**

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<td>(gc) Gaming law enforcement; Indian gaming</td>
<td>PR</td>
<td>A</td>
<td>103,900</td>
<td>105,600</td>
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<tr>
<td>(gm) Criminal history searches; fingerprint identification</td>
<td>PR</td>
<td>C</td>
<td>3,155,500</td>
<td>3,167,900</td>
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<tr>
<td>(gr) Gun purchaser record checks</td>
<td>PR</td>
<td>C</td>
<td>369,400</td>
<td>369,400</td>
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<tr>
<td>(h) Terminal charges</td>
<td>PR</td>
<td>A</td>
<td>2,599,600</td>
<td>2,599,600</td>
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<tr>
<td>(i) Law enforcement training fund assessment, receipts</td>
<td>PR</td>
<td>A</td>
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<td>0</td>
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<tr>
<td>(j) Law enforcement training fund, local assistance</td>
<td>PR</td>
<td>A</td>
<td>5,312,700</td>
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<td>(ja) Law enforcement training fund, state operations</td>
<td>PR</td>
<td>A</td>
<td>3,230,000</td>
<td>3,230,100</td>
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<tr>
<td>(jb) Crime laboratory equipment and supplies</td>
<td>PR</td>
<td>A</td>
<td>377,300</td>
<td>377,300</td>
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<tr>
<td>(k) Interagency and intra-agency assistance</td>
<td>PR-S</td>
<td>C</td>
<td>157,200</td>
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</table>
**ASSEMBLY BILL 144**

<table>
<thead>
<tr>
<th>STATUTE, AGENCY AND PURPOSE</th>
<th>SOURCE</th>
<th>TYPE</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>(kd) Drug law enforcement, crime laboratories, and genetic evidence activities</td>
<td>PR-S</td>
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<td>(kg) Interagency and intra-agency assistance; fingerprint identification</td>
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<td>(km) Lottery background investigations</td>
<td>PR-S</td>
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<td>(Lm) Crime laboratories; deoxyribonucleic acid analysis</td>
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<td>(m) Federal aid, state operations</td>
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<td>C</td>
<td>1,100,400</td>
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<td>(r) Gaming law enforcement; lottery revenues</td>
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**(2) PROGRAM TOTALS**

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<td>16,733,000</td>
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<td>(1,100,400)</td>
<td>(1,101,900)</td>
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<td>(15,780,900)</td>
<td>(15,832,900)</td>
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<td>(7,156,800)</td>
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<td>SEGREGATED FUNDS</td>
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<td>289,100</td>
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<td>OTHER</td>
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<td>(289,100)</td>
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<td>TOTAL-ALL SOURCES</td>
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(3) ADMINISTRATIVE SERVICES

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<td>(a) General program operations</td>
<td>GPR</td>
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</tr>
<tr>
<td>(g) Gifts, grants and proceeds</td>
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## ASSEMBLY BILL 144

### Statute, Agency and Purpose

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<thead>
<tr>
<th></th>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
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<tr>
<td>1</td>
<td>(k) Interagency and intra-agency assistance</td>
<td>PR-S</td>
<td>A</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>2</td>
<td>(m) Federal aid, state operations</td>
<td>PR-F</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>3</td>
<td>(pz) Indirect cost reimbursements</td>
<td>PR-F</td>
<td>C</td>
<td>69,800</td>
<td>69,800</td>
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</table>

### (3) Program Totals

- **General Purpose Revenues**: 4,400,800 (2001-02), 4,404,100 (2002-03)
- **Program Revenue**: 69,800 (2001-02), 69,800 (2002-03)
- **Federal**: (69,800) (2001-02), (69,800) (2002-03)
- **Other**: (−0−) (2001-02), (−0−) (2002-03)
- **Service**: (−0−) (2001-02), (−0−) (2002-03)
- **Total—All Sources**: 4,470,600 (2001-02), 4,473,900 (2002-03)

### (5) Victims and Witnesses

<table>
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<tr>
<th></th>
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<th>Source</th>
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<th>2002-03</th>
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<tr>
<td>6</td>
<td>(a) General program operations</td>
<td>GPR</td>
<td>A</td>
<td>955,900</td>
<td>958,500</td>
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<tr>
<td>7</td>
<td>(b) Awards for victims of crimes</td>
<td>GPR</td>
<td>A</td>
<td>1,324,200</td>
<td>1,324,200</td>
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<tr>
<td>8</td>
<td>(c) Reimbursement for victim and witness services</td>
<td>GPR</td>
<td>A</td>
<td>1,497,100</td>
<td>1,497,100</td>
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<tr>
<td>10</td>
<td>(g) Crime victim and witness assistance surcharge, general services</td>
<td>PR</td>
<td>A</td>
<td>2,352,000</td>
<td>2,566,600</td>
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<tr>
<td>13</td>
<td>(gc) Crime victim and witness surcharge, sexual assault victim services</td>
<td>PR</td>
<td>C</td>
<td>2,000,000</td>
<td>2,000,000</td>
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<tr>
<td>16</td>
<td>(h) Crime victim compensation services</td>
<td>PR</td>
<td>A</td>
<td>40,500</td>
<td>40,500</td>
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<tr>
<td>17</td>
<td>(i) Victim compensation, inmate payments</td>
<td>PR</td>
<td>C</td>
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<td>-0-</td>
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</table>
### STATUTE, AGENCY AND PURPOSE

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<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>1</td>
<td>(k) Interagency and intra-agency assistance; reimbursement to counties</td>
<td>PR-S</td>
<td>A</td>
<td>966,100</td>
</tr>
<tr>
<td>2</td>
<td>(kj) Victim payments, victim surcharge</td>
<td>PR-S</td>
<td>A</td>
<td>488,800</td>
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<tr>
<td>3</td>
<td>(kk) Reimbursement to counties for providing victim and witness services</td>
<td>PR-S</td>
<td>C</td>
<td>-0-</td>
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<td>4</td>
<td>(kp) Reimbursement to counties for victim-witness services</td>
<td>PR-S</td>
<td>A</td>
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<td>5</td>
<td>(m) Federal aid; victim compensation</td>
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<td>C</td>
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<td>6</td>
<td>(ma) Federal aid, state operations</td>
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<td>C</td>
<td>132,700</td>
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<td>7</td>
<td>(mh) Federal aid; victim assistance</td>
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#### (5) PROGRAM TOTALS

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<tr>
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<td>GENERAL PURPOSE REVENUES</td>
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<td>3,779,800</td>
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<td>11,436,800</td>
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<td>FEDERAL</td>
<td>(4,816,400)</td>
<td>(4,818,400)</td>
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<td>OTHER</td>
<td>(4,392,500)</td>
<td>(4,607,100)</td>
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<td>SERVICE</td>
<td>(2,227,900)</td>
<td>(2,227,900)</td>
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<td>TOTAL-ALL SOURCES</td>
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<td>15,433,200</td>
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#### 20.455 DEPARTMENT TOTALS

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<tr>
<td>GENERAL PURPOSE REVENUES</td>
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<td>37,460,000</td>
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<td>PROGRAM REVENUE</td>
<td>36,279,300</td>
<td>37,749,400</td>
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<td>FEDERAL</td>
<td>(6,752,600)</td>
<td>(6,756,100)</td>
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<td>OTHER</td>
<td>(20,173,400)</td>
<td>(20,440,000)</td>
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<td>SERVICE</td>
<td>(9,353,300)</td>
<td>(10,553,300)</td>
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<td>SEGREGATED FUNDS</td>
<td>285,300</td>
<td>289,100</td>
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<tr>
<td>OTHER</td>
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<tr>
<td>TOTAL-ALL SOURCES</td>
<td>73,619,400</td>
<td>75,498,500</td>
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</table>

13 **20.465 Military affairs, department of**

14 (1) **NATIONAL GUARD OPERATIONS**

15 (a) General program operations | GPR | A | 4,516,700 | 4,516,700 |
## ASSEMBLY BILL 144

**STATUTE, AGENCY AND PURPOSE** | **SOURCE** | **TYPE** | **2001-02** | **2002-03**
--- | --- | --- | --- | ---

1 (b) Repair and maintenance | GPR | A | 650,400 | 650,400
2 (c) Public emergencies | GPR | S | 48,500 | 48,500
3 (d) Principal repayment and interest | GPR | S | 2,984,900 | 2,757,200
4 (e) State service flags | GPR | A | 400 | 400
5 (f) Energy costs | GPR | A | 1,866,900 | 1,639,500
6 (g) Military property | PR | A | 386,900 | 386,900
7 (h) Intergovernmental services | PR | A | 215,500 | 215,500
8 (k) Armory store operations | PR−S | A | 239,200 | 239,200
9 (km) Agency services | PR−S | A | 68,300 | 68,300
10 (Li) Gifts and grants | PR | C | −0− | −0−
11 (m) Federal aid | PR−F | C | 16,845,500 | 16,845,500
12 (pz) Indirect cost reimbursements | PR−F | C | 401,800 | 403,800

**1 PROGRAM TOTALS**

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<th>Type</th>
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<th>2002-03</th>
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<tbody>
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<td>18,159,200</td>
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<td>FEDERAL</td>
<td></td>
<td>(17,247,300)</td>
<td>(17,249,300)</td>
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<td>OTHER</td>
<td></td>
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<td>(602,400)</td>
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<tr>
<td>SERVICE</td>
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<td>(307,500)</td>
<td>(307,500)</td>
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<td>28,225,000</td>
<td>27,771,900</td>
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13 (2) GUARD MEMBERS' BENEFITS

14 (a) Tuition grants | GPR | B | 4,277,300 | 4,554,700

**2 PROGRAM TOTALS**

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<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<td>4,554,700</td>
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<td>TOTAL−ALL SOURCES</td>
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<td>4,554,700</td>
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15 (3) EMERGENCY MANAGEMENT SERVICES

16 (a) General program operations | GPR | A | 688,800 | 688,800
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<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>(c) Helicopter support services</td>
<td>GPR</td>
<td>A</td>
<td>150,000</td>
<td>150,000</td>
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<tr>
<td>(dd) Regional emergency response teams</td>
<td>GPR</td>
<td>A</td>
<td>1,400,000</td>
<td>1,400,000</td>
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<tr>
<td>(dp) Emergency response equipment</td>
<td>GPR</td>
<td>A</td>
<td>568,000</td>
<td>568,000</td>
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<tr>
<td>(dr) Emergency response supplement</td>
<td>GPR</td>
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<td>-0-</td>
<td>-0-</td>
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<td>(dt) Emergency response training</td>
<td>GPR</td>
<td>B</td>
<td>64,900</td>
<td>64,900</td>
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<td>(e) Disaster recovery aid</td>
<td>GPR</td>
<td>S</td>
<td>1,347,000</td>
<td>1,347,000</td>
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<td>(f) Civil air patrol aids</td>
<td>GPR</td>
<td>A</td>
<td>19,000</td>
<td>19,000</td>
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<td>(g) Program services</td>
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<td>1,071,400</td>
<td>1,071,400</td>
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<tr>
<td>(h) Interstate emergency assistance</td>
<td>PR</td>
<td>A</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>(i) Emergency planning and reporting; administration</td>
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<td>A</td>
<td>791,000</td>
<td>791,000</td>
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<td>(j) Division of emergency management; gifts and grants</td>
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<td>(jm) Division of emergency management; emergency planning grants</td>
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<td>834,700</td>
<td>834,700</td>
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<td>(jt) Regional emergency response reimbursement</td>
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<td>-0-</td>
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### ASSEMBLY BILL 144

#### STATUTE, AGENCY AND PURPOSE

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<td>(r)</td>
<td>Division of emergency management; petroleum inspection</td>
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<td>2</td>
<td>(t)</td>
<td>Emergency response training</td>
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#### (3) PROGRAM TOTALS

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<td>OTHER</td>
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#### (4) NATIONAL GUARD YOUTH PROGRAMS

<table>
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<tr>
<td>7</td>
<td>(b)</td>
<td>Badger challenge program</td>
<td>GPR A</td>
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<td>8</td>
<td>(c)</td>
<td>Youth challenge program</td>
<td>GPR A</td>
<td>1,289,400</td>
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<tr>
<td>9</td>
<td>(g)</td>
<td>Program fees</td>
<td>PR C</td>
<td>−0−</td>
</tr>
<tr>
<td>10</td>
<td>(h)</td>
<td>Gifts, grants and contributions</td>
<td>PR C</td>
<td>−0−</td>
</tr>
<tr>
<td>11</td>
<td>(k)</td>
<td>Interagency assistance; badger challenge program</td>
<td>PR−S C</td>
<td>93,400</td>
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<td>13</td>
<td>(m)</td>
<td>Federal aid – youth programs</td>
<td>PR−F C</td>
<td>1,911,000</td>
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#### (4) PROGRAM TOTALS

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<td>FEDERAL</td>
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<td>(1,912,600)</td>
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<tr>
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<td>(−0−)</td>
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#### 20.465 DEPARTMENT TOTALS

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### Section 395

#### Assembly Bill 144

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1. **20.475 District attorneys**

2. (1) **DISTRICT ATTORNEYS**

3. (d) Salaries and fringe benefits **GPR A** 36,114,900 36,114,900

4. (f) Firearm prosecution costs **GPR A** 76,000 78,300

5. (h) Gifts and grants **PR C** 1,227,400 1,248,000

6. (k) Interagency and intra-agency assistance **PR−S C** –0− –0−

7. (km) Deoxyribonucleic acid evidence activities **PR−S A** 116,400 122,100

10. (m) Federal aid **PR−F C** –0− –0−

#### 20.475 Department Totals

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<tr>
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11. **20.485 Veterans affairs, department of**

12. (1) **HOMES AND FACILITIES FOR VETERANS**

13. (b) General fund supplement to institutional operations **GPR B** –0− –0−

15. (d) Cemetery maintenance and beautification **GPR A** 24,900 24,900
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(1) PROGRAM TOTALS

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(2) LOANS AND AIDS TO VETERANS
### Statute, Agency and Purpose

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<td>3</td>
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## Assembly Bill 144

### Statute, Agency and Purpose

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#### Program Totals

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4

### (3) Self-Amortizing Mortgage Loans for Veterans

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### (4) VETERANS MEMORIAL CEMETERIES

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<td>PR</td>
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<td>4</td>
<td>h</td>
<td>Gifts, grants and bequests</td>
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<td>C</td>
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<tr>
<td>5</td>
<td>m</td>
<td>Federal aid; cemetery operations and burials</td>
<td>PR-F</td>
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<td>7</td>
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<td>Cemetery administration and maintenance</td>
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<td>9</td>
<td>qm</td>
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<th></th>
</tr>
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<tbody>
<tr>
<td>PROGRAM TOTALS</td>
<td>75,600</td>
<td>(57,400)</td>
<td>(18,200)</td>
<td>768,200</td>
<td>(767,700)</td>
<td>843,800</td>
<td>843,300</td>
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### (5) EDUCATIONAL APPROVAL BOARD

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<th>2002-03</th>
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<tr>
<td>13</td>
<td>g</td>
<td>Proprietary school programs</td>
<td>PR-S</td>
<td>A</td>
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#### (5) PROGRAM TOTALS

<table>
<thead>
<tr>
<th></th>
<th>PROGRAM REVENUE</th>
<th>SERVICE</th>
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<td>PROGRAM TOTALS</td>
<td>430,200</td>
<td>(430,200)</td>
<td>430,200</td>
<td>433,700</td>
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#### 20.485 DEPARTMENT TOTALS

| | GENERAL PURPOSE REVENUES | |
|---|---|---|---|---|---|---|
| PROGRAM TOTALS | 1,997,800 | 1,923,000 |
20.490 Wisconsin housing and economic development authority

1 (1) Facilitation of construction

3 (a) Capital reserve fund deficiency GPR C -0- -0-

(1) Program Totals

General Purpose Revenues -0- -0-
Total--All Sources -0- -0-

4 (2) Housing rehabilitation loan program

5 (a) General program operations GPR C -0- -0-

6 (q) Loan loss reserve fund SEG C -0- -0-

(2) Program Totals

General Purpose Revenues -0- -0-
Segregated Funds -0- -0-
Other (-0-) (-0-)
Total--All Sources -0- -0-

7 (4) Disadvantaged business mobilization assistance

8 (g) Disadvantaged business mobilization loan guarantee PR C -0- -0-

(4) Program Totals

Program Revenue -0- -0-
Other (-0-) (-0-)
Total--All Sources -0- -0-

10 (5) Wisconsin development loan guarantees
## ASSEMBLY BILL 144

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
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<tbody>
<tr>
<td>1 (a) Wisconsin development reserve fund</td>
<td>GPR</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>2 (q) Recycling fund transfer to Wisconsin development reserve fund</td>
<td>SEG</td>
<td>C</td>
<td>-0-</td>
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<tr>
<td>3 (r) Agrichemical management fund transfer to Wisconsin development fund</td>
<td>SEG</td>
<td>C</td>
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<tr>
<td>4 (s) Petroleum inspection fund transfer to WDRF</td>
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<td>A</td>
<td>-0-</td>
<td>-0-</td>
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</table>

### (5) Program Totals

| | General Purpose Revenues | -0- | -0- |
| | Segregated Funds | -0- | -0- |
| | Other | (-0-) | (-0-) |
| | Total—All Sources | -0- | -0- |

### (6) Wisconsin Job Training Loan Guarantees

| | Wisconsin Job Training Reserve Fund | GPR | S | -0- | -0- |
| | Department of Commerce Appropriation Transfer to Wisconsin Job Training | PR-S | C | -0- | -0- |

### (6) Program Totals

| | Program Revenues | -0- | -0- |
| | Service | (-0-) | (-0-) |
| | Total—All Sources | -0- | -0- |

### 20.490 Department Totals

| | General Purpose Revenues | -0- | -0- |
| | Program Revenues | -0- | -0- |
| | Other | (-0-) | (-0-) |
| | Service | (-0-) | (-0-) |
| | Segregated Funds | -0- | -0- |
2001 - 2002 Legislature - 426 -

ASSEMBLY BILL 144

SECTION 395

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
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<td>TOTAL-ALL SOURCES</td>
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<td>−0−</td>
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1  20.495 University of Wisconsin hospitals and clinics board

2 (1) Contractual services

3 (g) General program operations

<table>
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<tr>
<td>PR</td>
<td>79,539,700</td>
<td>82,707,300</td>
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</table>

20.495 DEPARTMENT TOTALS

| PROGRAM REVENUE | 79,539,700 | 82,707,300 |
| OTHER           | (79,539,700) | (82,707,300) |
| TOTAL-ALL SOURCES | 79,539,700 | 82,707,300 |

Human Relations and Resources

FUNCTIONAL AREA TOTALS

| GENERAL PURPOSE REVENUES | 3,088,234,800 | 3,142,917,400 |
| PROGRAM REVENUE | 4,362,263,900 | 4,385,455,900 |
| FEDERAL                     | (3,538,311,100) | (3,563,497,500) |
| OTHER                       | (489,863,900) | (498,196,800) |
| SERVICE                     | (334,088,900) | (323,761,600) |
| SEGREGATED FUNDS            | 302,730,400 | 344,541,300 |
| FEDERAL                     | (332,700) | (519,700) |
| OTHER                       | (302,397,700) | (344,021,600) |
| SERVICE                     | (−0−) | (−0−) |
| LOCAL                       | (−0−) | (−0−) |
| TOTAL-ALL SOURCES           | 7,753,229,100 | 7,872,914,600 |

General Executive Functions

4  20.505 Administration, department of

5 (1) Supervision and management

6 (a) General program operations

<table>
<thead>
<tr>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tr>
<td>GPR</td>
<td>9,070,700</td>
<td>7,087,000</td>
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7 (b) Midwest interstate low-level radioactive waste compact; loan from gen. fund

8

9 (cm) Comprehensive planning grants;

10 general purpose revenue

<table>
<thead>
<tr>
<th>Type</th>
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<th>2002-03</th>
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<tr>
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### ASSEMBLY BILL 144

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<th>Type</th>
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<th>2002-03</th>
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<tr>
<td>(cn) Comprehensive planning; administrative support</td>
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<td>A</td>
<td>49,400</td>
<td>49,400</td>
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<tr>
<td>(dm) Sale of tobacco settlement payments</td>
<td>GPR</td>
<td>S</td>
<td>500,000</td>
<td>-0-</td>
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<td>(f) Badger state games assistance</td>
<td>GPR</td>
<td>A</td>
<td>50,000</td>
<td>50,000</td>
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<td>(fo) Federal resource acquisition support grants</td>
<td>GPR</td>
<td>A</td>
<td>100,000</td>
<td>100,000</td>
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<tr>
<td>(g) Midwest interstate low-level radioactive waste compact; membership &amp; costs</td>
<td>PR</td>
<td>A</td>
<td>60,700</td>
<td>60,700</td>
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<tr>
<td>(ge) High-voltage transmission line annual impact fee distributions</td>
<td>PR</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>(gs) High-voltage transmission line environmental impact fee distributions</td>
<td>PR</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(ie) Land information; proposed incorporations and annexations</td>
<td>PR</td>
<td>C</td>
<td>2,113,000</td>
<td>2,113,000</td>
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<tr>
<td>(if) Comprehensive planning grants; program revenue</td>
<td>PR</td>
<td>A</td>
<td>500,000</td>
<td>500,000</td>
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<tr>
<td>(im) Services to nonstate governmental units</td>
<td>PR</td>
<td>A</td>
<td>1,345,400</td>
<td>1,326,200</td>
</tr>
<tr>
<td>(iu) Plat and proposed incorporation and annexation review</td>
<td>PR</td>
<td>C</td>
<td>480,400</td>
<td>480,400</td>
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<tr>
<td>(j) Gifts, grants and bequests</td>
<td>PR</td>
<td>C</td>
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## Section 395

### Assembly Bill 144

<table>
<thead>
<tr>
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<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>(ka) Materials and services to state agencies and certain districts</td>
<td>PR-S</td>
<td>A</td>
<td>5,528,300</td>
<td>5,630,800</td>
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<tr>
<td>(kb) Transportation, records, and document services</td>
<td>PR-S</td>
<td>A</td>
<td>26,220,700</td>
<td>22,093,000</td>
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<tr>
<td>(kc) Capital planning and building construction services</td>
<td>PR-S</td>
<td>C</td>
<td>671,500</td>
<td>3,308,500</td>
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<tr>
<td>(kj) Financial services</td>
<td>PR-S</td>
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<td>8,808,300</td>
<td>8,808,300</td>
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<td>(kt) Soil surveys and mapping and Wisconsin land council</td>
<td>PR-S</td>
<td>C</td>
<td>287,300</td>
<td>219,000</td>
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<tr>
<td>(mb) Federal aid</td>
<td>PR-F</td>
<td>C</td>
<td>2,970,400</td>
<td>2,970,400</td>
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<tr>
<td>(md) Oil overcharge restitution funds</td>
<td>PR-F</td>
<td>C</td>
<td>6,874,700</td>
<td>6,874,700</td>
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<tr>
<td>(ng) Sale of forest products; funds for public schools and public roads</td>
<td>PR</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>(pz) Indirect cost reimbursements</td>
<td>PR-F</td>
<td>C</td>
<td>231,900</td>
<td>231,900</td>
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<tr>
<td>(q) Stray voltage and electrical wiring assistance</td>
<td>SEG</td>
<td>B</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>(r) VendorNet fund administration</td>
<td>SEG</td>
<td>A</td>
<td>90,200</td>
<td>90,200</td>
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<tr>
<td>(v) General program operations — environmental improvement programs; state funds</td>
<td>SEG</td>
<td>A</td>
<td>795,000</td>
<td>795,000</td>
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<tr>
<td>(x) General program operations — clean water fund program; federal funds</td>
<td>SEG-F</td>
<td>C</td>
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## ASSEMBLY BILL 144

### Statute, Agency and Purpose

<table>
<thead>
<tr>
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<th>2002-03</th>
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<tr>
<td>1 (y)</td>
<td>General program operations — safe drinking water loan program; federal funds</td>
<td>SEG-F</td>
<td>C</td>
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<tr>
<td>3</td>
<td>Transportation planning grants to local governmental units</td>
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### Program Totals

<table>
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<tr>
<th></th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>GENERAL PURPOSE REVENUES</td>
<td>11,270,100</td>
<td>8,786,400</td>
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<td>PROGRAM REVENUE</td>
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<tr>
<td>FEDERAL</td>
<td>(10,077,000)</td>
<td>(10,077,000)</td>
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<tr>
<td>OTHER</td>
<td>(4,499,500)</td>
<td>(4,480,300)</td>
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<tr>
<td>SERVICE</td>
<td>(52,551,000)</td>
<td>(51,116,900)</td>
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<tr>
<td>SEGREGATED FUNDS</td>
<td>1,885,200</td>
<td>1,885,200</td>
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<tr>
<td>FEDERAL</td>
<td>(−0−)</td>
<td>(−0−)</td>
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<tr>
<td>OTHER</td>
<td>(885,200)</td>
<td>(885,200)</td>
</tr>
<tr>
<td>SERVICE</td>
<td>(1,000,000)</td>
<td>(1,000,000)</td>
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<tr>
<td>TOTAL—ALL SOURCES</td>
<td>80,282,800</td>
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### Risk Management

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<tr>
<td>8</td>
<td>General fund supplement — risk management claims</td>
<td>GPR</td>
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<td>9 (k)</td>
<td>Risk management costs</td>
<td>PR-S</td>
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<td>10 (ki)</td>
<td>Risk management administration</td>
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### Program Totals

<table>
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<tr>
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<tbody>
<tr>
<td>GENERAL PURPOSE REVENUES</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>PROGRAM REVENUE</td>
<td>24,841,200</td>
<td>25,636,200</td>
</tr>
<tr>
<td>SERVICE</td>
<td>(24,841,200)</td>
<td>(25,636,200)</td>
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<tr>
<td>TOTAL—ALL SOURCES</td>
<td>24,841,200</td>
<td>25,636,200</td>
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### Utility Public Benefits and Air Quality Improvement

<table>
<thead>
<tr>
<th>Source</th>
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<th>2002-03</th>
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<tr>
<td>12 (q)</td>
<td>General program operations</td>
<td>SEG</td>
<td>A</td>
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<tr>
<td>13 (r)</td>
<td>Low-income assistance grants</td>
<td>SEG</td>
<td>S</td>
</tr>
<tr>
<td>14 (rr)</td>
<td>Air quality improvement grants</td>
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### Assembly Bill 144

**Statute, Agency and Purpose**

<table>
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<tr>
<th></th>
<th>Energy conservation and efficiency and renewable resource grants</th>
<th>Source</th>
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<tr>
<td>1</td>
<td>SEG</td>
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<td>16,500,000</td>
<td>16,500,000</td>
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#### Program Totals

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<th>Segregated Funds</th>
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<tr>
<td>(3)</td>
<td>49,384,200</td>
<td>(49,384,200)</td>
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#### Attached Divisions and Other Bodies

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<tr>
<th></th>
<th>Adjudication of tax appeals</th>
<th>GPR</th>
<th>A</th>
<th>626,300</th>
<th>630,500</th>
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<tr>
<td>(a)</td>
<td>Adjudication of equalization appeals</td>
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<td>S</td>
<td>-0-</td>
<td>-0-</td>
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<td>(b)</td>
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<td>409,800</td>
<td>359,800</td>
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<td>(ba)</td>
<td>Board on education evaluation and accountability; general program ops</td>
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<td>A</td>
<td>-0-</td>
<td>11,811,500</td>
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<td>(cw)</td>
<td>Claims awards</td>
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<td>S</td>
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<td>25,000</td>
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<td>(d)</td>
<td>Women's council operations</td>
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<td>104,200</td>
<td>104,200</td>
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<td>Volunteer firefighter &amp; EMT service award pgm; general program operations</td>
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<td>21,400</td>
<td>21,400</td>
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<td>(ec)</td>
<td>Volunteer firefighter &amp; EMT service award pgm; state matching awards</td>
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<td>S</td>
<td>600,000</td>
<td>600,000</td>
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<td>(f)</td>
<td>Hearings and appeals operations</td>
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<td>A</td>
<td>2,089,300</td>
<td>2,089,300</td>
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<td>(h)</td>
<td>Program services</td>
<td>PR</td>
<td>A</td>
<td>32,100</td>
<td>32,100</td>
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<td>(k)</td>
<td>Waste facility siting board; general program operations</td>
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<td>129,600</td>
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## STATUTE, AGENCY AND PURPOSE

<table>
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<tr>
<td>1</td>
<td>(ka)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>State use board — general program</td>
<td>PR-S</td>
<td>A</td>
<td>97,900</td>
</tr>
<tr>
<td>2</td>
<td>(kp)</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Hearings and appeals fees</td>
<td>PR-S</td>
<td>A</td>
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<td>3</td>
<td>(r)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>State capitol and executive residence board; gifts and grants</td>
<td>SEG</td>
<td>C</td>
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### (4) PROGRAM TOTALS

<table>
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<tr>
<td>OTHER</td>
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<td>(32,100)</td>
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<tr>
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<td>(2,659,000)</td>
<td>(2,664,000)</td>
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<td>SEGREGATED FUNDS</td>
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<td>-0-</td>
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<tr>
<td>OTHER</td>
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<td>(-0-)</td>
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<tr>
<td>TOTAL—ALL SOURCES</td>
<td>6,567,100</td>
<td>18,337,800</td>
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### (5) FACILITIES MANAGEMENT

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<th>2002-03</th>
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<tr>
<td>7</td>
<td>(c)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Principal repayment and interest; Black Point Estate</td>
<td>GPR</td>
<td>S</td>
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### (5) PROGRAM TOTALS

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<td>1 (6) Office of Justice Assistance</td>
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<td>2 (a) General program operations; youth diversion</td>
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<td>3 (c) Law enforcement officer supplement grants</td>
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<td>4 (i) Gifts and grants</td>
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<td>5 (j) Penalty assessment surcharge receipts</td>
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<td>7 (km) Interagency and intra-agency programs</td>
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<td>10 (m) Federal aid, justice assistance, state operations</td>
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<td>11 (p) Federal aid, local assistance and aids</td>
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(6) PROGRAM TOTALS

GENERAL PURPOSE REVENUES 1,787,400 1,787,900
PROGRAM REVENUE 31,342,600 32,764,100
FEDERAL (25,101,800) (26,112,100)
OTHER (2,008,400) (2,008,400)
### Section 395

#### Assembly Bill 144

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<td>6 (h) Funding for the homeless</td>
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16 (8) Division of Gaming

17 (am) Interest on racing and bingo moneys | GPR | S | -0- | -0- |
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<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
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<th>2002-03</th>
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<td>(hm) Indian gaming receipts</td>
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**Program Totals**

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**Broadcasting**

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<td>(b) Former educational communications board principal repayment and interest</td>
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<tr>
<td>(g) Contract services to broadcasting corporation</td>
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<td>C</td>
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<tr>
<td>(h) Lease payments for educational broadcasting facilities</td>
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**Program Totals**

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<tr>
<th>Description</th>
<th>2001-02</th>
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## ASSEMBLY BILL 144

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### 20.505 Department Totals

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### 20.507 Board of commissioners of public lands

1. **Board of commissioners of public lands**

2. (1) **Trust lands and investments**

3. (h) Trust lands and investments –

4. general program operations

5. Payments to American Indian tribes or bands for raised sunken logs

6. (k) Trust lands and investments –

7. interagency and intra-agency assistance

8. (mg) Federal aid — flood control

### 20.507 Department Totals

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### 20.510 Elections board

12. **Elections board**

13. (1) **Administration of election and campaign laws**
### ASSEMBLY BILL 144

#### Statute, Agency and Purpose

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
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<tr>
<td>5 municipalities</td>
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#### 20.510 Department Totals

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#### 20.512 Employment relations, department of

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### STATUTE, AGENCY AND PURPOSE

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#### 1 PROGRAM TOTALS

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#### 2 AFFIRMATIVE ACTION COUNCIL

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<td>(m)</td>
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#### 2 PROGRAM TOTALS

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#### 20.512 DEPARTMENT TOTALS

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<td>PROGRAM REVENUE</td>
<td>836,400</td>
<td>836,400</td>
</tr>
<tr>
<td>FEDERAL</td>
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<td>(-0-)</td>
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<tr>
<td>OTHER</td>
<td>(550,700)</td>
<td>(550,700)</td>
</tr>
</tbody>
</table>
### ASSEMBLY BILL 144

**Statute, Agency and Purpose** | **Source** | **Type** | **2001-02** | **2002-03**
--- | --- | --- | --- | ---
**SERVICE** | (285,700) | (285,700) | **TOTAL—ALL SOURCES** | 6,706,800 | 6,706,800

1. **20.515** Employee trust funds, department of

2. **(1) Employee benefit plans**

3. (a) Annuity supplements and payments

4. | **GPR** | **S** | 4,149,500 | 3,614,600 |

5. (b) Health insurance payments for certain retired state employees

6. | **GPR** | **S** | 5,400 | 5,400 |

7. (c) Contingencies

8. | **GPR** | **S** | –0– | –0– |

9. (u) Employee-funded reimbursement account plan

10. | **SEG** | **C** | –0– | –0– |

11. (um) Benefit administration

12. (ut) Health insurance data collection and analysis contracts

13. | **SEG** | **A** | 269,800 | 269,800 |

14. (w) Administration

15. | **SEG** | **A** | 16,406,400 | 15,953,900 |

---

(1) **Program Totals**

- **General Purpose Revenues** | 4,154,900 | 3,620,000
- **Segregated Funds** | 21,723,400 | 17,211,700
- **Other** | (21,723,400) | (17,211,700)
- **Total—All Sources** | 25,878,300 | 20,831,700

- **(2) Private Employer Health Care Coverage Program**

16. (a) Private employer health care coverage program; operating costs

17. | **GPR** | **B** | –0– | –0– |

18. (b) Grants for program administration

19. | **GPR** | **B** | –0– | –0– |
## STATUTE, AGENCY AND PURPOSE

<table>
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### (2) PROGRAM TOTALS

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### 20.515 DEPARTMENT TOTALS

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<td>(17,211,700)</td>
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## 20.521 Ethics board

### (1) ETHICS AND LOBBYING REGULATION

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<td>(g) General program operations; program revenue</td>
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<td>(i) Materials and services</td>
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### 20.521 DEPARTMENT TOTALS

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## 20.525 Office of the governor

### (1) EXECUTIVE ADMINISTRATION

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## Section 395

### Assembly Bill 144

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<th>Type</th>
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<td>(c) Membership in national associations</td>
<td>GPR</td>
<td>S</td>
<td>111,400</td>
<td>111,400</td>
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<td>(d) Disability board</td>
<td>GPR</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>(f) Literacy improvement aids</td>
<td>GPR</td>
<td>A</td>
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<td>(fr) Children's cabinet board; grants</td>
<td>GPR</td>
<td>A</td>
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<td>-0-</td>
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<td>C</td>
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<td>(kd) Children's cabinet board; general program operations</td>
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<td>59,400</td>
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<td>(kf) Literacy improvement aids; program revenues</td>
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<td>A</td>
<td>25,000</td>
<td>25,000</td>
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<td>(m) Federal aid</td>
<td>PR-F</td>
<td>C</td>
<td>-0-</td>
<td>-0-</td>
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</table>

1. **Program Totals**

   - **General Purpose Revenues**: 3,353,600
   - **Program Revenues**: 100,800
   - **Federal**: (-0-)
   - **Other**: (-0-)
   - **Service**: (100,800)
   - **Total-All Sources**: 3,454,400

2. **Executive Residence**

   - (a) General program operations | GPR | S | 195,300 | 195,300 |

3. **Program Totals**

   - **General Purpose Revenues**: 195,300
   - **Total-All Sources**: 195,300

4. **20.525 Department Totals**

   - **General Purpose Revenues**: 3,548,900
   - **Program Revenues**: 100,800

5. **20.525 Department Totals**

   - **General Purpose Revenues**: 3,796,400
   - **Program Revenues**: 110,400
### 20.530 Electronic government, department of

#### 1

<table>
<thead>
<tr>
<th>STATUTE, AGENCY AND PURPOSE</th>
<th>SOURCE</th>
<th>TYPE</th>
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<td><strong>OTHER</strong></td>
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<td>(-0-)</td>
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<td><strong>SERVICE</strong></td>
<td></td>
<td></td>
<td>(100,800)</td>
<td>(110,400)</td>
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<td><strong>TOTAL--ALL SOURCES</strong></td>
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<td>3,649,700</td>
<td>3,906,800</td>
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#### 2

(1) **INFORMATION TECHNOLOGY MANAGEMENT AND SERVICES**

#### 3

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<thead>
<tr>
<th>(g) Gifts, grants, and bequests</th>
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<th>C</th>
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<th>-0-</th>
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#### 4

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<th>(ir) Relay service</th>
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#### 5

<table>
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<th>(is) General program operations; services to non-state entities</th>
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<th>12,666,600</th>
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#### 7

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<th>(it) Electronic communications services; non-state entities</th>
<th>PR</th>
<th>C</th>
<th>-0-</th>
<th>-0-</th>
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#### 9

<table>
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<th>(ke) General program operations; services to state agencies</th>
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<th>110,095,400</th>
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#### 11

<table>
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<tr>
<th>(kf) Electronic communications services; state agencies</th>
<th>PR-S</th>
<th>C</th>
<th>-0-</th>
<th>-0-</th>
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#### 13

<table>
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<tr>
<th>(kp) Justice information systems</th>
<th>PR-S</th>
<th>A</th>
<th>3,759,800</th>
<th>3,759,800</th>
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</table>

#### 14

<table>
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<tr>
<th>(kq) Justice information systems development, operation and maintenance</th>
<th>PR-S</th>
<th>A</th>
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<th>908,500</th>
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</table>

#### 17

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<tr>
<th>(m) Federal aid</th>
<th>PR-F</th>
<th>C</th>
<th>-0-</th>
<th>-0-</th>
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#### 20.530 DEPARTMENT TOTALS

<table>
<thead>
<tr>
<th>PROGRAM REVENUE</th>
<th>132,443,800</th>
<th>132,489,700</th>
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<td>FEDERAL</td>
<td>(-0-)</td>
<td>(-0-)</td>
</tr>
<tr>
<td>OTHER</td>
<td>(12,666,600)</td>
<td>(12,666,600)</td>
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<tr>
<td>SERVICE</td>
<td>(119,777,200)</td>
<td>(119,823,100)</td>
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<tr>
<td>TOTAL--ALL SOURCES</td>
<td>132,443,800</td>
<td>132,489,700</td>
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<tr>
<td>Statute, Agency and Purpose</td>
<td>Source</td>
<td>Type</td>
</tr>
<tr>
<td>-----------------------------</td>
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<td><strong>20.536 Investment board</strong></td>
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<tr>
<td>(1) Investment of funds</td>
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<td></td>
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<tr>
<td>(k) General program operations</td>
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<td>C</td>
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<tr>
<td>(ka) General program operations; environmental improvement fund</td>
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**20.536 Department Totals**

<table>
<thead>
<tr>
<th>Program Revenue</th>
<th>2001-02</th>
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<tbody>
<tr>
<td>Other</td>
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<tr>
<td>Service</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total—All Sources</td>
<td>19,552,200</td>
<td>19,552,200</td>
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</table>

| **20.540 Office of the lieutenant governor** |        |      |         |         |
| (1) Executive Coordination |        |      |         |         |
| (a) General program operations | GPR   | A    | 563,300 | 563,300 |
| (g) Gifts, grants and proceeds | PR    | C    | -0-     | -0-     |
| (k) Grants from state agencies | PR-S  | C    | -0-     | -0-     |
| (m) Federal aid | PR-F  | C    | -0-     | -0-     |

**20.540 Department Totals**

<table>
<thead>
<tr>
<th>General Purpose Revenues</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>Program Revenue</td>
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<tr>
<td>Federal</td>
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<tr>
<td>Other</td>
<td>(-0-)</td>
<td>(-0-)</td>
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<tr>
<td>Service</td>
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<tr>
<td>Total—All Sources</td>
<td>563,300</td>
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| **20.547 Personnel commission** |        |      |         |         |
| (1) Review of Personnel Decisions |        |      |         |         |
| (a) General program operations | GPR   | A    | 859,700 | 861,900 |
| (h) Publications             | PR    | A    | 3,000   | 3,000   |
| (m) Federal aid              | PR-F  | C    | -0-     | -0-     |
## 20.547 DEPARTMENT TOTALS

<table>
<thead>
<tr>
<th>Description</th>
<th>Source</th>
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</table>

### 20.550 Public defender board

1. **Legal assistance**

2. (1) **Program administration**

3. (a) General purpose revenue (GPR) A 2,492,300 2,504,800

4. (b) Appellate representation (GPR) A 4,186,200 4,190,300

5. (c) Trial representation (GPR) A 34,456,200 34,471,900

6. (d) Private bar and investigator reimbursement (GPR) B 18,826,700 18,826,700

7. (e) Private bar and investigator payments; administration costs (GPR) A 647,000 647,000

8. (f) Transcripts, discovery and interpreters (GPR) A 1,409,600 1,409,600

9. (fb) Payments from clients; administrative costs (PR) A 134,400 134,400

10. (g) Gifts and grants (PR) C (−0−) (−0−)

11. (h) Contractual agreements (PR-S) A (−0−) (−0−)

12. (i) Tuition payments (PR) C (−0−) (−0−)

13. (kj) Conferences and training (PR-S) A 127,800 127,800

14. (L) Private bar and inv. reimbursement; payments for legal representation (PR) C 1,024,700 1,024,700
## ASSEMBLY BILL 144

### STATUTE, AGENCY AND PURPOSE

<table>
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<th>Source</th>
<th>Type</th>
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### 20.550 DEPARTMENT TOTALS

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<table>
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<td>2</td>
<td>(g)</td>
<td>Administration of county sales and use taxes</td>
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<td>(ga)</td>
<td>Cigarette tax stamps</td>
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<td>4</td>
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<td>(gd)</td>
<td>Administration of special district taxes</td>
<td>PR</td>
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<td>6</td>
<td>(ge)</td>
<td>Administration of local professional football stadium districts</td>
<td>PR</td>
</tr>
<tr>
<td>7</td>
<td>(gf)</td>
<td>Administration of resort tax</td>
<td>PR</td>
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<td>8</td>
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<td>(gm)</td>
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<td>(qm) Administration of rental vehicle fee</td>
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<td>(u) Motor fuel tax administration</td>
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(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES 44,231,500 45,265,200
PROGRAM REVENUE 6,447,000 6,447,000
FEDERAL (-0-) (-0-)
OTHER (6,447,000) (6,447,000)
SEGREGATED FUNDS 1,693,400 1,693,400
OTHER (1,693,400) (1,693,400)
TOTAL-ALL SOURCES 52,371,900 53,405,600

(2) STATE AND LOCAL FINANCE

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### STATUTE, AGENCY AND PURPOSE

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#### (2) PROGRAM TOTALS

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# ASSEMBLY BILL 144

## Statute, Agency and Purpose

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## Investment and Local Impact Fund

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<td>Federal mining revenue</td>
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## Program Totals

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<td>FEDERAL</td>
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<td>(−0−)</td>
<td>(−0−)</td>
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<tr>
<td>OTHER</td>
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<td>(−0−)</td>
<td>(−0−)</td>
<td></td>
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<tr>
<td>SEGREGATED FUNDS</td>
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<td>(−0−)</td>
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<table>
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### Statute, Agency and Purpose

<table>
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#### 20.566 Department Totals

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#### 20.575 Secretary of State

1. (g) Program fees
   - Source: PR A
   - 2001-02: 699,900
   - 2002-03: 700,300

2. (ka) Agency collections
   - Source: PR-S A
   - 2001-02: 4,000
   - 2002-03: 4,000

#### 20.575 Department Totals

<table>
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<tr>
<th>Program Revenue</th>
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<td>704,300</td>
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#### 20.585 Treasurer, State

5. (b) Insurance
   - Source: GPR A
   - 2001-02: -0-
   - 2002-03: -0-

6. (e) Unclaimed property; contingency appropriation
   - Source: GPR S
   - 2001-02: -0-
   - 2002-03: -0-

7. (g) Processing services
   - Source: PR A
   - 2001-02: 193,900
   - 2002-03: 186,900

8. (h) Training conferences
   - Source: PR C
   - 2001-02: -0-
   - 2002-03: -0-

9. (i) Gifts and grants
   - Source: PR C
   - 2001-02: -0-
   - 2002-03: -0-

10. (j) Unclaimed property
    - Source: PR C
    - 2001-02: 996,600
    - 2002-03: 996,600

11. (jt) Allocation – cash management
    - Source: PR A
    - 2001-02: 34,700
    - 2002-03: 34,700

12. (kb) General program operations
    - Source: PR-S A
    - 2001-02: 542,900
    - 2002-03: 542,900
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(1) PROGRAM TOTALS

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(2) COLLEGE TUITION PREPAYMENT PROGRAM

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20.585 DEPARTMENT TOTALS

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**Statute, Agency and Purpose**

### 2001-2002 Legislature

**ASSEMBLY BILL 144**

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### Judicial

1. **20.625 Circuit courts**

2. (1) **Court operations**

3. (a) Circuit courts
   - **GPR** S
   - $49,586,000
   - $49,586,000

4. (as) Violent crime court costs
   - **GPR** A
   - $−0−
   - $−0−

5. (b) Permanent reserve judges
   - **GPR** A
   - $−0−
   - $−0−

6. (c) Court interpreter fees
   - **GPR** A
   - $238,800
   - $238,800

7. (d) Circuit court support payments
   - **GPR** B
   - $18,739,600
   - $18,739,600

8. (dc) Law clerk reimbursement

   payments
   - **GPR** A
   - $−0−
   - $−0−

9. (e) Guardian ad litem costs
   - **GPR** A
   - $4,738,500
   - $4,738,500

10. (m) Federal aid
    - **PR-F** C
    - $−0−
    - $−0−

(1) **Program Totals**

- **General Purpose Revenues**: $73,302,900
- **Program Revenue**: $−0−
- **Federal**: $−0−
- **Total—All Sources**: $73,302,900

(3) **Child custody hearings and studies in other states**
### Assembly Bill 144

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#### 3 Program Totals

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#### 20.625 Department Totals

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<tr>
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### 20.660 Court of Appeals

#### 1 Appellate Proceedings

| (a) General program operations | GPR | S | 7,293,700 | 7,293,700 |
| (m) Federal aid | PR-F | C | -0- | -0- |

#### 20.660 Department Totals

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### 20.665 Judicial Commission

#### 1 Judicial Conduct

| (a) General program operations | GPR | A | 162,900 | 163,300 |
| (cm) Contractual agreements | GPR | B | 18,200 | 18,200 |
| (d) General program operations; judicial council | GPR | A | 35,000 | 35,000 |
| (mm) Federal aid | PR-F | C | -0- | -0- |

#### 20.665 Department Totals

<table>
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#### Program Totals

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**Program Revenue**

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**General Purpose Revenues**

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**Program Revenues**

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### Assembly Bill 144

**Statute, Agency and Purpose**

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1. **Bar Examiners and Responsibility**

2. **Board of bar examiners**
   - Source Type: PR C
   - 2001-02: 596,100
   - 2002-03: 596,100

3. **Office of lawyer regulation**
   - Source Type: PR C
   - 2001-02: 1,733,400
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### Program Totals

**Program Revenue**

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**Total−All Sources**

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### Law Library

5. **General program operations**
   - Source Type: GPR A
   - 2001-02: 2,080,000
   - 2002-03: 2,111,100

6. **Library collections and services**
   - Source Type: PR C
   - 2001-02: 125,500
   - 2002-03: 125,500

7. **Gifts and grants**
   - Source Type: PR C
   - 2001-02: 461,700
   - 2002-03: 461,700

### Program Totals

**Program Revenue**

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### Department Totals

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ASSEMBLY BILL 144

SECTION 395

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Legislative

1 20.765 Legislature

(1) ENACTMENT OF STATE LAWS

(a) General program operations —

assembly

GPR  S  21,324,500  20,916,700

(b) General program operations —

senate

GPR  S  15,111,100  14,722,900

(d) Legislative documents

GPR  S  7,870,900  7,870,900

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES  44,306,500  43,510,500
TOTAL—ALL SOURCES  44,306,500  43,510,500

(2) SPECIAL STUDY GROUPS

(a) Retirement committees

GPR  A  193,900  194,900

(ab) Retirement actuarial studies

GPR  B  14,200  14,200

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES  208,100  209,100
TOTAL—ALL SOURCES  208,100  209,100

(3) SERVICE AGENCIES AND NATIONAL ASSOCIATIONS

(a) Revisor of statutes bureau

GPR  B  737,300  737,300

(b) Legislative reference bureau

GPR  B  4,317,500  4,494,800

(c) Legislative audit bureau

GPR  B  4,396,900  4,396,900
### Assembly Bill 144

**Statute, Agency and Purpose**

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#### (3) Program Totals

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#### 20.765 Department Totals

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#### Legislative

**Functional Area Totals**

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<td>Other</td>
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### General Appropriations

1. **20.835 Shared revenue and tax relief**

2. **(1) Shared revenue payments**

3. **(b) Small municipalities shared revenue**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $11,000,000
   - **2002-03:** $11,000,000

4. **(c) Expenditure restraint program account**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $57,000,000
   - **2002-03:** $63,000,000

5. **(d) County shared revenue account**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $930,459,800
   - **2002-03:** $168,981,800

6. **(db) Municipal services aid account**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $-0-
   - **2002-03:** $573,478,000

7. **(dd) Municipal growth sharing account**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $-0-
   - **2002-03:** $182,000,000

8. **(e) State aid; computers**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $77,016,000
   - **2002-03:** $81,171,000

9. **(f) County mandate relief account**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $20,763,800
   - **2002-03:** $20,763,800

(1) **Program Totals**

- **General purpose revenues:** $1,096,239,600
- **Total—all sources:** $1,096,239,600

12. **(2) Tax relief**

13. **(b) Claim of right credit**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $-0-
   - **2002-03:** $-0-

14. **(bm) Payments of interest on overassessment of manufacturing property**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $-0-
   - **2002-03:** $-0-

17. **(c) Homestead tax credit**
   - **Type:** GPR, **Purpose:** S
   - **2001-02:** $91,000,000
   - **2002-03:** $88,000,000
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<td>OTHER</td>
<td>(15,000,000)</td>
<td>(15,000,000)</td>
</tr>
<tr>
<td>TOTAL−ALL SOURCES</td>
<td>194,304,000</td>
<td>194,204,000</td>
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(3) STATE PROPERTY TAX CREDITS

<table>
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<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>(b) School levy tax credit</td>
<td>GPR</td>
<td>S</td>
</tr>
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</table>
### ASSEMBLY BILL 144

#### SECTION 395

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
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<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>(q) Lottery and gaming credit</td>
<td>SEG</td>
<td>S</td>
<td>107,400,000</td>
<td>108,400,000</td>
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<tr>
<td>(r) Lottery and gaming credit</td>
<td>SEG</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>Certification</td>
<td>SEG</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>(3) Program Totals</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>General Purpose Revenues</td>
<td>469,305,000</td>
<td>469,305,000</td>
<td></td>
<td></td>
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<tr>
<td>Segregated Funds</td>
<td>107,400,000</td>
<td>108,400,000</td>
<td></td>
<td></td>
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<tr>
<td>Other</td>
<td>-0-</td>
<td>-0-</td>
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<td></td>
</tr>
<tr>
<td>Total - All Sources</td>
<td>576,705,000</td>
<td>577,705,000</td>
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<table>
<thead>
<tr>
<th>County and Local Taxes</th>
</tr>
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<tbody>
<tr>
<td>(4)</td>
</tr>
<tr>
<td>(g) County taxes</td>
</tr>
<tr>
<td>(gb) Special district taxes</td>
</tr>
<tr>
<td>(gd) Premier resort area tax</td>
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</table>

<table>
<thead>
<tr>
<th>Local professional football stadium district taxes</th>
</tr>
</thead>
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<tr>
<td>(5)</td>
</tr>
<tr>
<td>(ge) Local professional football stadium district taxes</td>
</tr>
</tbody>
</table>

(4) Program Totals

Program Revenue | -0- | -0- |
Other | (-0-) | (-0-) |
Total - All Sources | -0- | -0- |

<table>
<thead>
<tr>
<th>Payments in lieu of taxes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5)</td>
</tr>
<tr>
<td>(a) Payments for municipal services</td>
</tr>
</tbody>
</table>

(5) Program Totals

General Purpose Revenues | 21,565,300 | 21,565,300 |
Total - All Sources | 21,565,300 | 21,565,300 |

### 16:35 Department Totals

| General Purpose Revenues | 1,715,169,400 | 1,716,803,400 |
| Program Revenue | 51,244,500 | 53,665,500 |
| Other | (-0-) | (-0-) |
| Service | (51,244,500) | (53,665,500) |
| Segregated Funds | 122,400,000 | 123,400,000 |
### STATUTE, AGENCY AND PURPOSE

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>OTHER</td>
<td></td>
<td>(122,400,000)</td>
<td>(123,400,000)</td>
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<tr>
<td>TOTAL-ALL SOURCES</td>
<td></td>
<td>1,888,813,900</td>
<td>1,893,868,900</td>
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</tbody>
</table>

### Miscellaneous appropriations

1. **20.855 Cash management expenses, interest and principal repayment**

2. **(1)** Cash management expenses; interest and principal repayment

3. **(a)** Obligation on operating notes  
   - **GPR**  
   - **S**  
   - **15,300,000**  
   - **13,200,000**

4. **(b)** Operating note expenses  
   - **GPR**  
   - **S**  
   - **110,000**  
   - **110,000**

5. **(bm)** Payment of cancelled drafts  
   - **GPR**  
   - **S**  
   - **1,100,000**  
   - **1,100,000**

6. **(c)** Interest payments to program revenue accounts  
   - **GPR**  
   - **S**  
   - **−0−**  
   - **−0−**

7. **(d)** Interest payments to segregated funds  
   - **GPR**  
   - **S**  
   - **−0−**  
   - **−0−**

8. **(dm)** Interest reimbursements to federal government  
   - **GPR**  
   - **S**  
   - **−0−**  
   - **−0−**

9. **(e)** Interest on prorated local government payments  
   - **GPR**  
   - **S**  
   - **−0−**  
   - **−0−**

10. **(gm)** Payment of cancelled drafts; program revenues  
    - **PR**  
    - **S**  
    - **−0−**  
    - **−0−**

11. **(q)** Redemption of operating notes  
    - **SEG**  
    - **S**  
    - **−0−**  
    - **−0−**

12. **(r)** Interest payments to general fund  
    - **SEG**  
    - **S**  
    - **−0−**  
    - **−0−**

13. **(rm)** Payment of cancelled drafts; segregated revenues  
    - **SEG**  
    - **S**  
    - **−0−**  
    - **−0−**

### Program Totals

<table>
<thead>
<tr>
<th>Source</th>
<th>2001-02</th>
<th>2002-03</th>
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<tbody>
<tr>
<td>GENERAL PURPOSE REVENUES</td>
<td>16,510,000</td>
<td>14,410,000</td>
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<tr>
<td>PROGRAM REVENUE</td>
<td>−0−</td>
<td>−0−</td>
</tr>
<tr>
<td>OTHER</td>
<td>(−0−)</td>
<td>(−0−)</td>
</tr>
<tr>
<td>SEGREGATED FUNDS</td>
<td>−0−</td>
<td>−0−</td>
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</table>
## ASSEMBLY BILL 144

### TOTAL-ALL SOURCES

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other (−0−) (−0−)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total-All Sources</td>
<td></td>
<td></td>
<td>16,510,000</td>
<td>14,410,000</td>
</tr>
</tbody>
</table>

1. (3) Capitol renovation expenses

2. (a) Capitol offices relocation | GPR | S | 8,150,600 | 1,103,300 |

3. (b) Capitol restoration and relocation

4. Planning | GPR | B | -0− | -0− |

5. (c) Historically significant furnishings | GPR | B | -0− | -0− |

(3) Program Totals

<table>
<thead>
<tr>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Purpose Revenues</td>
<td>8,150,600</td>
<td>1,103,300</td>
<td></td>
</tr>
<tr>
<td>Total-All Sources</td>
<td>8,150,600</td>
<td>1,103,300</td>
<td></td>
</tr>
</tbody>
</table>

6. (4) Tax, assistance and transfer payments

7. (a) Interest on overpayment of taxes | GPR | S | 3,500,000 | 3,500,000 |

8. (am) Great Lakes protection fund

9. Contribution | GPR | C | -0− | -0− |

10. (b) Election campaign payments | GPR | S | 325,000 | 325,000 |

11. (c) Minnesota income tax reciprocity | GPR | S | 50,000,000 | 53,000,000 |

12. (ca) Minnesota income tax reciprocity

13. Benchmark | GPR | A | -0− | -0− |

14. (cm) Illinois income tax reciprocity | GPR | S | -0− | -0− |

15. (cn) Illinois income tax reciprocity

16. Benchmark | GPR | A | 11,800,700 | 12,550,700 |

17. (co) Illinois income tax reciprocity, 1998

18. and 1999 | GPR | A | -0− | -0− |

19. (e) Transfer to conservation fund; land

20. Acquisition reimbursement | GPR | S | 236,800 | 232,600 |
<table>
<thead>
<tr>
<th>STATUTE, AGENCY AND PURPOSE</th>
<th>SOURCE</th>
<th>TYPE</th>
<th>2001-02</th>
<th>2002-03</th>
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</thead>
<tbody>
<tr>
<td>(q) Terminal tax distribution</td>
<td>SEG</td>
<td>S</td>
<td>1,057,400</td>
<td>1,057,400</td>
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<tr>
<td>(r) Petroleum allowance</td>
<td>SEG</td>
<td>S</td>
<td>400,000</td>
<td>400,000</td>
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<tr>
<td>(rc) Transfer to general fund</td>
<td>SEG</td>
<td>A</td>
<td>350,000,000</td>
<td>−0−</td>
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<tr>
<td>(rh) Annual transfer from permanent endowment fund to general fund</td>
<td>SEG</td>
<td>S</td>
<td>−0−</td>
<td>−0−</td>
</tr>
<tr>
<td>(rp) Transfer to general fund; 2001-02 fiscal year</td>
<td>SEG</td>
<td>A</td>
<td>153,414,000</td>
<td>−0−</td>
</tr>
<tr>
<td>(rv) Transfer to general fund; 2002-03 fiscal year</td>
<td>SEG</td>
<td>A</td>
<td>−0−</td>
<td>155,440,800</td>
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<tr>
<td>(s) Transfer to conservation fund; motorboat formula</td>
<td>SEG</td>
<td>S</td>
<td>10,756,200</td>
<td>11,285,200</td>
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<tr>
<td>(t) Transfer to conservation fund; snowmobile formula</td>
<td>SEG</td>
<td>S</td>
<td>4,228,400</td>
<td>4,436,900</td>
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<tr>
<td>(u) Transfer to conservation fund; all-terrain vehicle formula</td>
<td>SEG</td>
<td>S</td>
<td>788,300</td>
<td>827,200</td>
</tr>
</tbody>
</table>

(4) PROGRAM TOTALS

| GENERAL PURPOSE REVENUES | 65,862,500 | 69,608,300 |
| SEGREGATED FUNDS         | 520,644,300 | 173,447,500 |
| OTHER                    | (520,644,300) | (173,447,500) |
| TOTAL−ALL SOURCES        | 586,506,800 | 243,055,800 |

(5) STATE HOUSING AUTHORITY RESERVE FUND

| (a) Enhancement of credit of authority | GPR    | A    | −0−     | −0−       |

(5) PROGRAM TOTALS

| GENERAL PURPOSE REVENUES | −0−       | −0−     |
| TOTAL−ALL SOURCES        | −0−       | −0−     |

(6) MISCELLANEOUS RECEIPTS
### ASSEMBLY BILL 144

**SECTION 395**

<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
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</thead>
<tbody>
<tr>
<td>(g) Gifts and grants</td>
<td>PR</td>
<td>C</td>
<td>-0--</td>
<td>-0--</td>
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<tr>
<td>(h) Vehicle and aircraft receipts</td>
<td>PR</td>
<td>A</td>
<td>-0--</td>
<td>-0--</td>
</tr>
<tr>
<td>(i) Miscellaneous program revenue</td>
<td>PR</td>
<td>A</td>
<td>-0--</td>
<td>-0--</td>
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<tr>
<td>(j) Custody accounts</td>
<td>PR</td>
<td>C</td>
<td>-0--</td>
<td>-0--</td>
</tr>
<tr>
<td>(k) Aids to individuals and organizations</td>
<td>PR-S</td>
<td>C</td>
<td>-0--</td>
<td>-0--</td>
</tr>
<tr>
<td>(ka) Local assistance</td>
<td>PR-S</td>
<td>C</td>
<td>-0--</td>
<td>-0--</td>
</tr>
<tr>
<td>(m) Federal aid</td>
<td>PR-F</td>
<td>C</td>
<td>-0--</td>
<td>-0--</td>
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<tr>
<td>(pz) Indirect cost reimbursements</td>
<td>PR-F</td>
<td>C</td>
<td>-0--</td>
<td>-0--</td>
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**(6) PROGRAM TOTALS**

<table>
<thead>
<tr>
<th></th>
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<th>2002-03</th>
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<tbody>
<tr>
<td>PROGRAM REVENUE</td>
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</tr>
<tr>
<td>FEDERAL</td>
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<td>(-0--)</td>
</tr>
<tr>
<td>OTHER</td>
<td>(-0--)</td>
<td>(-0--)</td>
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<tr>
<td>SERVICE</td>
<td>(-0--)</td>
<td>(-0--)</td>
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<tr>
<td>TOTAL-ALL SOURCES</td>
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<tr>
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<tr>
<td>PROGRAM REVENUE</td>
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<td>-0--</td>
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<tr>
<td>OTHER</td>
<td>(-0--)</td>
<td>(-0--)</td>
</tr>
<tr>
<td>TOTAL-ALL SOURCES</td>
<td>-0--</td>
<td>-0--</td>
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<tr>
<th></th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>442,600</td>
</tr>
<tr>
<td></td>
<td>GPR</td>
<td>1,100,200</td>
</tr>
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</table>

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<tr>
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<tr>
<td></td>
<td></td>
<td>442,600</td>
</tr>
<tr>
<td></td>
<td>GPR</td>
<td>1,100,200</td>
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<tbody>
<tr>
<td></td>
<td></td>
<td>442,600</td>
</tr>
<tr>
<td></td>
<td>GPR</td>
<td>1,100,200</td>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>442,600</td>
</tr>
<tr>
<td></td>
<td>GPR</td>
<td>1,100,200</td>
</tr>
</tbody>
</table>

**(7) MARQUETTE UNIVERSITY**

(a) Dental clinic and educ facility; principal repayment, interest & rebates | GPR | S | 442,600 | 1,100,200 |
ASSEMBLY BILL 144

STATUTE, AGENCY AND PURPOSE | SOURCE | TYPE | 2001-02 | 2002-03

(8) PROGRAM TOTALS
GENERAL PURPOSE REVENUES | 442,600 | 1,100,200
TOTAL-ALL SOURCES | 442,600 | 1,100,200

1 (9) STATE CAPITOL RENOVATION AND RESTORATION

2 (a) South wing renovation and

3 restoration | GPR | C | −0− | −0−

(9) PROGRAM TOTALS
GENERAL PURPOSE REVENUES | −0− | −0−
TOTAL-ALL SOURCES | −0− | −0−

20.855 DEPARTMENT TOTALS
GENERAL PURPOSE REVENUES | 90,965,700 | 86,221,800
PROGRAM REVENUE | −0− | −0−
FEDERAL | (−0−) | (−0−)
OTHER | (−0−) | (−0−)
SERVICE | (−0−) | (−0−)
SEGREGATED FUNDS | 520,644,300 | 173,447,500
OTHER | (520,644,300) | (173,447,500)
TOTAL-ALL SOURCES | 611,610,000 | 259,669,300

20.865 Program supplements

5 (1) EMPLOYEE COMPENSATION AND SUPPORT

6 (a) Judgments, worker's compensation, indemnification, and legal expenses | GPR | S | 50,000 | 50,000

8 (c) Compensation and related adjustments | GPR | S | −0− | −0−

10 (cc) Compensation and related adjustments | GPR | A | 12,963,700 | 12,963,700

12 (ci) Nonrepresented university system faculty and academic pay adjustments | GPR | S | −0− | −0−
<table>
<thead>
<tr>
<th>Statute, Agency and Purpose</th>
<th>Source</th>
<th>Type</th>
<th>2001-02</th>
<th>2002-03</th>
</tr>
</thead>
<tbody>
<tr>
<td>(cj) Pay adjustments for certain university employees</td>
<td>GPR</td>
<td>A</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(d) Employer fringe benefit costs</td>
<td>GPR</td>
<td>S</td>
<td>12,400,300</td>
<td>12,400,300</td>
</tr>
<tr>
<td>(e) Additional biweekly payroll</td>
<td>GPR</td>
<td>A</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(em) Financial and procurement services</td>
<td>GPR</td>
<td>A</td>
<td>172,200</td>
<td>1,504,700</td>
</tr>
<tr>
<td>(fm) Risk management</td>
<td>GPR</td>
<td>A</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(fn) Physically handicapped supplements</td>
<td>GPR</td>
<td>A</td>
<td>6,900</td>
<td>6,900</td>
</tr>
<tr>
<td>(g) Judgments and legal expenses; program revenues</td>
<td>PR</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(i) Compensation and related adjustments; program revenues</td>
<td>PR</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>(ic) Nonrepresented university system faculty and academic pay adjustments</td>
<td>PR</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(id) Compensation and related adjustments; nonfederal program revenues</td>
<td>PR</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(j) Employer fringe benefit costs; program revenues</td>
<td>PR</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(jm) Additional biweekly payroll; nonfederal program revenues</td>
<td>PR</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>(js) Financial and procurement services; program revenues</td>
<td>PR</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>Statute, Agency and Purpose</td>
<td>Source</td>
<td>Type</td>
<td>2001-02</td>
<td>2002-03</td>
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<td>-----------------------------</td>
<td>--------</td>
<td>------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>1 (kr) Risk management; program revenues</td>
<td>PR-S</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>2 (Ln) Physically handicapped supplements; program revenues</td>
<td>PR</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>3 (m) Additional biweekly payroll; federal program revenues</td>
<td>PR-F</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>4 (mb) Compensation and related adjustments; federal program revenues</td>
<td>PR-F</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>5 (q) Judgments and legal expenses; segregated revenues</td>
<td>SEG</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>6 (s) Compensation and related adjustments; segregated revenues</td>
<td>SEG</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>7 (sb) Compensation and related adjustments; nonfederal segregated revenues</td>
<td>SEG</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>8 (si) Nonrepresented university system faculty and academic pay adjustments</td>
<td>SEG</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>9 (t) Employer fringe benefit costs; segregated revenues</td>
<td>SEG</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>10 (tm) Additional biweekly payroll; nonfederal segregated revenues</td>
<td>SEG</td>
<td>S</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>11 (ts) Financial and procurement services; segregated revenues</td>
<td>SEG</td>
<td>S</td>
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### STATUTE, AGENCY AND PURPOSE

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#### (1) PROGRAM TOTALS

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### ASSEMBLY BILL 144

#### SECTION 395

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**Program Totals**

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**Program Totals**

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#### 8 Program Totals

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#### 20.865 Department Totals

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# ASSEMBLY BILL 144

## SECTION 395

### STATUTE, AGENCY AND PURPOSE

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### Statute, Agency and Purpose

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1. **(4) Capital Improvement Fund Interest Earnings**

2. **(q) Funding in lieu of borrowing**
   - SEG C
   - 0- 0-

3. **(r) Interest on veterans obligations**
   - SEG C
   - 0- 0-

4. **(4) Program Totals**
   - SEGREGATED FUNDS
   - 0- 0-
   - OTHER
   - (0-) (0-)
   - TOTAL-ALL SOURCES
   - 0- 0-

5. **(5) Services to Nonstate Governmental Units**

6. **(g) Financial consulting services**
   - PR C
   - 0- 0-

7. **(5) Program Totals**
   - PROGRAM REVENUE
   - 0- 0-
   - OTHER
   - (0-) (0-)
   - TOTAL-ALL SOURCES
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### 20.867 Department Totals

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### 20.875 Budget Stabilization Fund

7. **(1) Transfers to Fund**

8. **(a) General fund transfer**
   - GPR A
   - 0- 0-

9. **(1) Program Totals**
   - General Purpose Revenues
   - 0- 0-
   - TOTAL-ALL SOURCES
   - 0- 0-

10. **(2) Transfers from Fund**

10. **(q) Budget stabilization fund transfer**
   - SEG A
   - 0- 0-
### Statute, Agency and Purpose

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<th>2002-03</th>
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#### 20.875 Department Totals

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1 **20.876 Tax relief fund**

2 **(1) Transfers to Fund**

3 **(a) General fund transfer**

<table>
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4 **(2) Transfers from the Fund**

5 **(q) Tax relief fund transfer**

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#### 20.876 Department Totals

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### General Appropriations

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SECTION 395. ASSEMBLY BILL 144

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SECTION 396. 20.115 (1) (g) of the statutes is amended to read:

20.115 (1) (g) Related services. Except as provided in pars. (gf) and (h), all moneys received from authorized service fees related to food and trade regulation, for the conduct of services related to food and trade regulation, including special and overtime meat inspection services under s. 97.42 (3), and investigative and audit services under ss. 93.06 (6) (b), 100.06 (1g) (c) and 100.07 (1), but excluding services financed under pars. (gf) and (h). Except as provided in pars. (gf) and (h), all moneys received from authorized service fees related to food and trade regulation shall be credited to this appropriation.

SECTION 397. 20.115 (1) (g) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

20.115 (1) (g) Related services. Except as provided in pars. (gf) and (h), all moneys received from authorized service fees related to food and trade regulation, for the conduct of services related to food and trade regulation, including special and overtime meat inspection services under s. 97.42 (3), and investigative and audit
services under ss. 93.06 (6) (b), 100.06 (1g) (c) and 100.07 (1), but excluding services
financed under pars. (gf) and (h).

SECTION 398. 20.115 (1) (gf) of the statutes is amended to read:

20.115 (1) (gf) Fruit and vegetable inspection. All moneys received for the
inspection of fruits and vegetables under ss. 93.06 (1m), and 93.09 (10) and 100.03
(3) (a) 1. to carry out the purposes for which those moneys are received.

SECTION 399. 20.115 (1) (gh) of the statutes is amended to read:

20.115 (1) (gh) Public warehouse regulation. The amounts in the schedule All
moneys received under s. 99.02, for the administration and enforcement of ch. 99. All
moneys received under s. 99.02 shall be credited to this appropriation.

SECTION 400. 20.115 (1) (gm) of the statutes is amended to read:

20.115 (1) (gm) Dairy and vegetable security and trade practices regulation.
The amounts in the schedule for the regulation of vegetable procurement under s.
100.03, of dairy plant financial condition under s. 100.06 and of dairy trade practices
under s. 100.201. All moneys received under ss. 100.03 (3) (a) 2. and 3., 100.06 (9)
and s. 100.201 (6) shall be credited to this appropriation.

SECTION 401. 20.115 (1) (i) of the statutes is amended to read:

20.115 (1) (i) Sale of supplies. The amounts in the schedule for the publication
All moneys received from the sale of food safety and consumer protection
informational materials and supplies to be used for the publication of those materials
and for the purchase for sale of such those informational supplies. All moneys
received from the sale of those materials and supplies shall be credited to this
appropriation.

SECTION 402. 20.115 (1) (jb) of the statutes is amended to read:
20.115 (1) (jb) Consumer protection, information, and education. The amounts in the schedule for consumer protection and consumer information and education. All moneys received under s. 100.261 (3) (b) shall be credited to this appropriation account, subject to the limit under s. 100.261 3 (c).

**SECTION 403.** 20.115 (1) (jm) of the statutes is repealed.

**SECTION 404.** 20.115 (1) (q) of the statutes is created to read:

20.115 (1) (q) Dairy, grain, and vegetable security. From the agricultural producer security fund, the amounts in the schedule to administer dairy, grain, and vegetable producer security programs under ch. 126.

**SECTION 405.** 20.115 (1) (v) of the statutes is created to read:

20.115 (1) (v) Agricultural producer security; bonds. From the agricultural producer security fund, a sum sufficient to acquire the surety bonds required under ss. 126.06 and 126.07.

**SECTION 406.** 20.115 (1) (w) of the statutes is created to read:

20.115 (1) (w) Agricultural producer security; payments. From the agricultural producer security fund, a sum sufficient to make default claim payments authorized under s. 126.72 (1).

**SECTION 407.** 20.115 (1) (wb) of the statutes is created to read:

20.115 (1) (wb) Agricultural producer security; bond proceeds. From the agricultural producer security fund, all moneys received under s. 126.72 (2) and (3) to be used to make default claim payments under s. 126.71 (1).

**SECTION 408.** 20.115 (2) (g) of the statutes is amended to read:

20.115 (2) (g) Related services. The amounts in the schedule All moneys received from fees related to animal health services, including fees under s. 95.60 (8),
for the conduct of those services related to service fees. All moneys received from such
service fees as are authorized by law shall be credited to this appropriation.

Section 409. 20.115 (2) (gb) of the statutes is repealed.

Section 410. 20.115 (2) (h) of the statutes is amended to read:

20.115 (2) (h) Sale of supplies. The amounts in the schedule for the purchase
for sale All moneys received from the sale of publications and other informational
material, and vaccines, identification tags, seals and tools for livestock and poultry.
All moneys received from the sale of those materials and supplies shall be credited
to this appropriation to be used for the purchase of those materials and supplies.

Section 411. 20.115 (2) (i) of the statutes is repealed.

Section 412. 20.115 (2) (j) of the statutes is amended to read:

20.115 (2) (j) Dog licenses, rabies control and related services. The amounts in
the schedule All moneys received under ss. 95.21 (9) (c), 173.27, and 174.09 (1), to
provide dog license tags and forms under s. 174.07 (2), to perform other program
responsibilities under ch. 174, to administer the rabies control program under s.
95.21, to help administer the rabies control media campaign and to carry out humane
activities under s. 93.07 (11) and ch. 173. All moneys received under ss. 95.21 (9) (c),
173.27 and 174.09 (1) shall be credited to this appropriation.

Section 413. 20.115 (2) (k) of the statutes is repealed.

Section 414. 20.115 (3) (c) of the statutes is repealed.

Section 415. 20.115 (3) (d) of the statutes is renumbered 20.115 (1) (d).

Section 416. 20.115 (3) (ga) of the statutes is repealed.

Section 417. 20.115 (3) (L) of the statutes is amended to read:

20.115 (3) (L) Something special from Wisconsin promotion. The amounts in
the schedule All moneys received from fees under s. 93.44 (4), for the advertising and
promotion of the something special from Wisconsin slogan, mark and logo under s. 93.44. All moneys received from fees under s. 93.44 (4) shall be credited to this appropriation.

SECTION 418. 20.115 (4) (c) of the statutes is amended to read:

20.115 (4) (c) Agricultural investment aids. Biennially, the amounts in the schedule for agricultural research and development grants under s. 93.46 (2) and (3) and sustainable agriculture grants under s. 93.47.

SECTION 419. 20.115 (4) (cd) of the statutes is created to read:

20.115 (4) (cd) Federal agricultural policy reform. Biennially, the amounts in the schedule to provide assistance to organizations under s. 93.06 (12) to seek the reform of federal agricultural policy. No funds may be encumbered under this paragraph after June 30, 2005.

SECTION 420. 20.115 (4) (i) of the statutes is repealed.

SECTION 421. 20.115 (4) (k) of the statutes is created to read:

20.115 (4) (k) Agricultural diversification; Indian gaming. The amounts in the schedule for agricultural research and development grants under s. 93.46 (2) and (3). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 17m. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 422. 20.115 (7) (d) of the statutes is amended to read:

20.115 (7) (d) Drainage board grants. The amounts in the schedule for grants to drainage boards under s. 88.15. No moneys may be encumbered from this appropriation after June 30, 2004 2006.

SECTION 423. 20.115 (7) (gb) of the statutes is repealed.
SECTION 424. 20.115 (7) (q) of the statutes is repealed.

SECTION 425. 20.115 (7) (qc) of the statutes is amended to read:

20.115 (7) (qc) Plant protection; conservation fund. From the conservation fund, the amounts in the schedule for plant protection, including nursery regulation, gypsy moth control, and control of other plant pests.

SECTION 426. 20.115 (7) (qd) of the statutes is repealed.

SECTION 427. 20.115 (7) (s) of the statutes is repealed.

SECTION 428. 20.115 (7) (t) of the statutes is repealed.

SECTION 429. 20.115 (7) (u) of the statutes is repealed.

SECTION 430. 20.115 (8) (g) of the statutes is amended to read:

20.115 (8) (g) Gifts and grants. Except as provided in subs. (2) (gb), (3) (ga), (4) (i) and (7) (gb), all moneys received from gifts and grants to carry out the purposes for which made.

SECTION 431. 20.115 (8) (ga) of the statutes is repealed.

SECTION 432. 20.115 (8) (gm) of the statutes is amended to read:

20.115 (8) (gm) Enforcement cost recovery. The amounts in the schedule for the purpose of enforcement. Except as provided in s. 93.20 (4), all moneys received by the department pursuant to a court order under s. 93.20 (2) as reimbursement of enforcement costs, or as part of a settlement agreement or deferred prosecution agreement that includes amounts for enforcement costs described in s. 93.20 (3) shall be credited to this appropriation, to be used for enforcement.

SECTION 433. 20.115 (8) (ha) of the statutes is amended to read:

20.115 (8) (ha) General laboratory related services. All moneys received from service fees, other than from state agencies, for the performance of general laboratory services under s. 93.06 and other laws under which the department
performs testing services. The department may not transfer money from any appropriation under this section to this appropriation and all moneys received as payment for milk standards used to calibrate or verify milk component testing instruments to carry out the purposes for which those moneys are received.

**SECTION 434.** 20.115 (8) (i) of the statutes is amended to read:

20.115 (8) (i) Related services. The amounts in the schedule All moneys received from service fees for central administrative services to be used for the conduct of central administrative services for which service fees are assessed. All moneys received from service fees for central administrative services shall be credited to this appropriation.

**SECTION 435.** 20.115 (8) (k) of the statutes is amended to read:

20.115 (8) (k) Computer system equipment, staff and services. The Biennially, the amounts in the schedule for the costs of computer system equipment, staff and services. All moneys received from the department for those purposes shall be credited to this appropriation account.

**SECTION 436.** 20.115 (8) (kL) of the statutes is amended to read:

20.115 (8) (kL) Central services. All moneys received from the department for program−specific services that are performed centrally, except moneys received under par. (km) or (kp), for the purpose of performing those services.

**SECTION 437.** 20.115 (8) (kp) of the statutes is repealed.

**SECTION 438.** 20.115 (8) (ks) of the statutes is amended to read:

20.115 (8) (ks) State contractual services. All moneys received from other state agencies for the costs of the services performed under contracts with for those state agencies, to provide those services.

**SECTION 439.** 20.143 (1) (fg) of the statutes is amended to read:
20.143 (1) (fg) Community-based economic development programs New
economy for Wisconsin program. The amounts in the schedule for grants under ss.
560.037 and 560.14 and for the grants under 1993 Wisconsin Act 16, section 9115 (1c)
and 1999 Wisconsin Act 9, section 9110 (6e) and (7v) 560.143.

Section 440. 20.143 (1) (gm) of the statutes is repealed.

Section 441. 20.143 (1) (h) of the statutes is amended to read:

20.143 (1) (h) Economic development operations. The amounts in the schedule
for the department’s responsibilities under ss. 234.65 and 560.03 (17), for
administering subch. II of ch. 560, for administering the programs under subch. V
of ch. 560, and for the costs of underwriting grants and loans awarded under subch.
V of ch. 560. All moneys received under s. ss. 234.65 (1) (f) and 560.68 (3) and under
subch. II of ch. 560 shall be credited to this appropriation account.

Section 442. 20.143 (1) (hm) of the statutes is repealed.

Section 443. 20.143 (1) (id) of the statutes is repealed.

Section 444. 20.143 (1) (ie) of the statutes is amended to read:

20.143 (1) (ie) Wisconsin development fund, repayments. All moneys received
in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.147, s.
Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m),
1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f),
1997 Wisconsin Act 310, section 2 (2d), and 1999 Wisconsin Act 9, section 9110 (4),
to be used for grants and loans under subch. V of ch. 560 except s. 560.65, for loans
under s. 560.147, for grants under ss. 560.16, and 560.175 and 560.25, for assistance
under s. 560.06 (2), for the loan under 1999 Wisconsin Act 9, section 9110 (4), and for
reimbursements under s. 560.167.
SECTION 445. 20.143 (1) (ig) of the statutes is amended to read:

20.143 (1) (ig) Gaming economic development grants and loans and diversification; repayments. The Biennially, the amounts in the schedule for grants and loans under s. ss. 560.137 and 560.138. All moneys received in repayment of loans under s. ss. 560.137 and 560.138 shall be credited to this appropriation account.

SECTION 446. 20.143 (1) (jc) (title) of the statutes is amended to read:

20.143 (1) (jc) (title) Physician and dentist and health care provider loan assistance programs repayments; penalties.

SECTION 447. 20.143 (1) (jm) (title) of the statutes is amended to read:

20.143 (1) (jm) (title) Physician and dentist loan assistance program; local contributions.

SECTION 448. 20.143 (1) (kf) of the statutes is amended to read:

20.143 (1) (kf) American Indian economic development; technical assistance. The amounts in the schedule for grants under s. 560.875 (1). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6f. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 449. 20.143 (1) (kg) of the statutes is amended to read:

20.143 (1) (kg) American Indian economic development; liaison and gaming grants specialist and program marketing. The amounts in the schedule for the American Indian economic liaison program under s. 560.87, other than for grants under s. 560.87 (6), for the salary and fringe benefits of, and related supplies and services for, the gaming grants specialist for the programs under ss. 560.137 and
SECTION 449

560.138, and for marketing the programs under ss. 560.137 and 560.138. From this appropriation, the department may expend in each fiscal year no more than $100,000 for marketing the programs under ss. 560.137 and 560.138. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6g. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 450.

20.143 (1) (kh) of the statutes is amended to read:

20.143 (1) (kh) American Indian economic development; liaison — grants. The amounts in the schedule for grants under s. 560.87 (6). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6h. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 451.

20.143 (1) (kj) of the statutes, as affected by 1999 Wisconsin Act 9, section 208, is amended to read:

20.143 (1) (kj) Gaming economic development and diversification; grants and loans. The Biennially, the amounts in the schedule for grants and loans under ss. 560.137, for marketing the program under s. 560.137 and 560.138, for the grants under s. 560.139 (1) (a) and (2), and for the grants under 2001 Wisconsin Act .... (this act), section 9110 (1) and (2). From this appropriation, the department may expend in each fiscal year for marketing the program under s. 560.137 no more than the difference between $100,000 and the amount that the department spends in the same fiscal year from the appropriation under par. (km) for marketing the program under s. 560.138. All moneys transferred from the appropriation account under s.
20.505 (8) (hm) 6j. shall be credited to this appropriation account. Notwithstanding
s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd–numbered year
shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 452. 20.143 (1) (km) of the statutes is repealed.

SECTION 453. 20.143 (1) (kn) of the statutes is created to read:

20.143 (1) (kn) **Forward Wisconsin, Inc., business recruitment.** The amounts
in the schedule for aids to Forward Wisconsin, Inc., to be used for activities to recruit
out–of–state businesses to locate in this state. All moneys transferred from the
appropriation account under s. 20.505 (8) (hm) 6n. shall be credited to this
appropriation account.

SECTION 454. 20.143 (1) (ko) of the statutes is created to read:

20.143 (1) (ko) **Manufacturing extension center grants.** The amounts in the
schedule for grants under s. 560.25. All moneys transferred from the appropriation
account under s. 20.505 (8) (hm) 6o. shall be credited to this appropriation account.
Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 455. 20.143 (1) (kp) of the statutes is created to read:

20.143 (1) (kp) **Business employees’ skills training grants.** The amounts in the
schedule for grants under s. 560.155. All moneys transferred from the appropriation
account under s. 20.505 (8) (hm) 6p. shall be credited to this appropriation account.
Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 456. 20.143 (1) (kr) of the statutes is amended to read:

20.143 (1) (kr) **Physician and dentist and health care provider loan assistance
programs, repayments, and contract.** All moneys transferred from the appropriation
account under s. 20.505 (8) (hm) 6r. and all moneys transferred under 1999
Wisconsin Act 9, section 9210 (1), for loan repayments under ss. 560.183 and 560.184
and for contracting under ss. 560.183 (8) and 560.184 (7). Notwithstanding s. 20.001
(3) (c), the unencumbered balance on June 30 of each odd-numbered year shall revert
to the appropriation account under s. 20.505 (8) (hm).

SECTION 457. 20.143 (1) (kt) of the statutes is created to read:
20.143 (1) (kt) Funds transferred from other state agencies. All moneys
received from other state agencies to carry out the purposes for which received.

SECTION 458. 20.143 (1) (qm) of the statutes is amended to read:
20.143 (1) (qm) Brownfields grant program programs and related grants;
environmental fund. From the environmental fund, the amounts in the schedule for
grants under s. ss. 560.13, 560.132, and 560.139 (1) (c) and for the grant under 1999
Wisconsin Act 9, section 9110 (8gm).

SECTION 459. 20.143 (1) (qn) of the statutes is created to read:
20.143 (1) (qn) Forest products marketing. From the conservation fund, the
amounts in the schedule for marketing forest products under s. 560.181.

SECTION 460. 20.143 (3) (L) of the statutes is amended to read:
20.143 (3) (L) Fire dues distribution. All moneys received under ss. 101.573
(1) and 601.93 and 604.04 (3) (b), less the amounts transferred to par. (La) and s.
20.292 (1) (gm) and (gr), for distribution under s. 101.573. The amount transferred
to par. (La) shall be the amount in the schedule under par. (La). The amount
transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under s. 20.292
(1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount in the
schedule under s. 20.292 (1) (gr).

SECTION 461. 20.143 (3) (z) of the statutes is created to read:
20.143 (3) (z) Green tier and environmental management system grants.

Biennially, from the environmental fund, the amounts in the schedule for green tier and environmental management system grants under s. 560.125.

**SECTION 462.** 20.145 (1) (g) of the statutes is amended to read:

20.145 (1) (g) General program operations. The amounts in the schedule for general program operations. Ninety percent of all moneys received under ss. 601.31, 601.32, 601.42 (7), 601.45 and 601.47, and 611.76 (10) shall be credited to this appropriation account.

**SECTION 463.** 20.145 (3) (v) of the statutes is amended to read:

20.145 (3) (v) Specified payments, fire dues and reinsurance. After deducting the amounts appropriated under par. (u), the balance of moneys in the local government property insurance fund, for the payment of insurance losses, payments to the investment board under s. 20.536, payments to the general fund under s. 101.573 (1) 604.04 (3) (b), loss adjustment expenses, fire rating bureau dues and the cost to purchase reinsurance under s. 604.04 (6).

**SECTION 464.** 20.155 (1) (g) of the statutes is amended to read:

20.155 (1) (g) Utility regulation. The amounts in the schedule for the regulation of utilities. Ninety percent of all moneys received by the commission under s. 196.85, 196.855, or 201.10 (3), except moneys received from mobile home park operators under s. 196.85 (2g), shall be credited to this appropriation. Ninety percent of all receipts from the sale of miscellaneous printed reports and other copied material, the cost of which was originally paid under this paragraph, shall be credited to this appropriation.

**SECTION 465.** 20.155 (1) (i) of the statutes is renumbered 20.143 (3) (i) and amended to read:
20.143 (3) (i) Mobile Manufactured home park regulation water and sewer service. The amounts in the schedule for regulating the provision of water or sewer service by mobile manufactured home park operators and mobile manufactured home park contractors. All moneys received by the commission department from mobile manufactured home park operators under s. 196.85 (2g) 101.937 (6) (a) shall be credited to this appropriation.

SECTION 466. 20.215 (1) (km) of the statutes is amended to read:

20.215 (1) (km) State aid for the arts; Indian gaming receipts. The amounts in the schedule for grants−in−aid or contract payments to American Indian groups, individuals, organizations, and institutions under s. 44.53 (1) (fm) and (2) (am). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 4b. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 467. 20.218 of the statutes is created to read:

20.218 Educational broadcasting corporation. There is appropriated to the corporation described under s. 39.82 (1) for the following costs:

(1) EDUCATIONAL BROADCASTING. (a) Operational costs; television. The amounts in the schedule for operational costs related to public television broadcasting.

(b) Operational costs; radio. The amounts in the schedule for operational costs related to public radio broadcasting.

SECTION 468. 20.225 (1) (a) of the statutes is amended to read:

20.225 (1) (a) General program operations. The amounts in the schedule to carry out its functions other than programming under ss. 39.11 and 39.13. If the secretary of administration determines that the federal communications
commission has approved the transfer of all broadcasting licenses held by the board
to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
date of the last license transferred as determined by the secretary of administration
under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

SECTION 469. 20.225 (1) (b) of the statutes is amended to read:

20.225 (1) (b) Energy costs. The amounts in the schedule to pay for utilities and
for fuel, heat, and air conditioning, and to pay costs incurred under ss. 16.858 and
16.895, by or on behalf of the board, and to repay to the energy efficiency fund loans
made to the board under s. 16.847 (6). If the secretary of administration determines
that the federal communications commission has approved the transfer of all
broadcasting licenses held by the board to the broadcasting corporation, as defined
in s. 39.81 (2), on and after the effective date of the last license transferred as
determined by the secretary of administration under s. 39.87 (2) (a), no moneys may
be encumbered under this paragraph.

SECTION 470. 20.225 (1) (c) of the statutes is amended to read:

20.225 (1) (c) Principal repayment and interest. A sum sufficient to reimburse
s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
the acquisition, construction, development, enlargement, or improvement of
facilities approved by the building commission for operation by the educational
communications board. If the secretary of administration determines that the
federal communications commission has approved the transfer of all broadcasting
licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2),
on and after the effective date of the last license transferred as determined by the
secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered
under this paragraph.
**SECTION 471.** 20.225 (1) (d) of the statutes is amended to read:

20.225 (1) (d) *Milwaukee area technical college.* The amounts in the schedule to contract with Milwaukee area technical college under s. 39.11 (18). If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

**SECTION 472.** 20.225 (1) (eg) of the statutes is amended to read:

20.225 (1) (eg) *Transmitter construction.* As a continuing appropriation, the amounts in the schedule to construct national weather service transmitters. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

**SECTION 473.** 20.225 (1) (er) of the statutes is amended to read:

20.225 (1) (er) *Transmitter operation.* The amounts in the schedule to operate the transmitter constructed with moneys appropriated under par. (eg). If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

**SECTION 474.** 20.225 (1) (f) of the statutes is amended to read:
20.225 (1) (f) Programming. The amounts in the schedule for programming under s. 39.11. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

SECTION 475. 20.225 (1) (g) of the statutes is amended to read:

20.225 (1) (g) Gifts, grants, contracts and leases. All Except as provided in par. (i), all moneys received from gifts, grants, contracts and the lease of excess capacity to carry out the purposes for which received. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

SECTION 476. 20.225 (1) (h) of the statutes is amended to read:

20.225 (1) (h) Instructional material. The amounts in the schedule for providing instructional materials under s. 39.11 (16). All moneys received from the sale of instructional material under s. 39.11 (16) and all moneys received under s. 39.115 (1) shall be credited to this appropriation. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of the last license transferred
as determined by the secretary of administration under s. 39.87 (2) (a), no moneys
may be encumbered under this paragraph.

SECTION 477. 20.225 (1) (i) of the statutes is created to read:

20.225 (1) (i) Program revenue facilities; principal repayment, interest, and
rebates. A sum sufficient from gifts and grants to reimburse s. 20.866 (1) (u) for the
payment of principal and interest costs incurred in financing the acquisition,
construction, development, enlargement, or improvement of facilities approved by
the building commission for operation by the educational communications board and
to make payments determined by the building commission under s. 13.488 (1) (m)
that are attributable to the proceeds of obligations incurred in financing the
facilities. If the secretary of administration determines that the federal
communications commission has approved the transfer of all broadcasting licenses
held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and
after the effective date of the last license transferred as determined by the secretary
of administration under s. 39.87 (2) (a), no moneys may be encumbered under this
paragraph.

SECTION 478. 20.225 (1) (k) of the statutes is amended to read:

20.225 (1) (k) Funds received from other state agencies. All moneys received
from other state agencies to carry out the purposes for which received. If the
secretary of administration determines that the federal communications
commission has approved the transfer of all broadcasting licenses held by the board
to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective
date of the last license transferred as determined by the secretary of administration
under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

SECTION 479. 20.225 (1) (kb) of the statutes is amended to read:
20.225 (1) (kb) Emergency weather warning system operation. From the moneys received by the department of administration electronic government for the provision of state telecommunications and data processing services and sale of telecommunications and data processing inventory items primarily to state agencies, the amounts in the schedule for the operation of the emergency weather warning system under s. 39.11 (21). If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

SECTION 480. 20.225 (1) (m) of the statutes is amended to read:

20.225 (1) (m) Federal grants. All moneys received from the federal government as authorized by the governor under s. 16.54 for the purposes for which made and received. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the board to the broadcasting corporation, as defined in s. 39.81 (2), on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a), no moneys may be encumbered under this paragraph.

SECTION 481. 20.235 (intro.) of the statutes is amended to read:

20.235 Higher educational aids board. (intro.) There is appropriated to the department of education higher educational aids board for the following programs:
SECTION 482. 20.235 (1) (fy) (title) of the statutes is repealed and recreated to read:

20.235 (1) (fy) (title) Governor Thompson scholarship program.

SECTION 483. 20.235 (1) (k) of the statutes is amended to read:

20.235 (1) (k) Indian student assistance. Biennially, the amounts in the schedule to carry out the purposes of s. 39.38. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 4i. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 484. 20.235 (1) (km) of the statutes is amended to read:

20.235 (1) (km) Wisconsin higher education grants; tribal college students. Biennially, the amounts in the schedule for the Wisconsin higher education grant program under s. 39.435 for tribal college students, except for grants awarded under s. 39.435 (2) or (5). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 10. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 485. 20.235 (1) (kt) of the statutes is created to read:

20.235 (1) (kt) Funds transferred from other state agencies. All moneys received from other state agencies to carry out the purposes for which received.

SECTION 486. 20.245 (1) (title) of the statutes is repealed and recreated to read:

20.245 (1) (title) History Services.

SECTION 487. 20.245 (1) (a) of the statutes is amended to read:
20.245 (1) (a) **General program operations; archives and research services.** The amounts in the schedule for general program operations related to archives and research services of the historical society, except as provided under par. (ag).

**SECTION 488.** 20.245 (1) (ag) of the statutes is created to read:

20.245 (1) (ag) **General program operations; historic sites and museum services.**

The amounts in the schedule for the general program operations of the historic sites and the historical society museum.

**SECTION 489.** 20.245 (1) (am) of the statutes is repealed.

**SECTION 490.** 20.245 (1) (c) of the statutes is repealed and recreated to read:

20.245 (1) (c) **Energy costs.** The amounts in the schedule to pay for utilities and for fuel, heat, and air conditioning, and to pay costs incurred by or on behalf of the historical society under ss. 16.858 and 16.895.

**SECTION 491.** 20.245 (1) (e) of the statutes is amended to read:

20.245 (1) (e) **Principal repayment, interest, and rebates.** A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement, or improvement of facilities of the historical society; for the payment of principal and interest costs incurred in financing the acquisition and installation of systems and equipment necessary to prepare historic records for transfer to new storage facilities; and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing this acquisition and installation.

**SECTION 492.** 20.245 (1) (g) of the statutes is amended to read:

20.245 (1) (g) **Admissions, sales, and other receipts.** All moneys received from admissions, sales, fines, and use of the main library, and other moneys received by
the society for research services, except moneys that are otherwise specifically
appropriated by law and other receipts, for general program operations related to
research services.

Section 493. 20.245 (1) (h) of the statutes is amended to read:

20.245 (1) (h) Gifts and grants. All moneys received from gifts and grants,
except moneys that are otherwise specifically appropriated, for purposes related to
research services and bequests, to carry out the purposes for which made or received.

Section 494. 20.245 (1) (k) of the statutes is repealed.

Section 495. 20.245 (1) (m) of the statutes is amended to read:

20.245 (1) (m) General program operations; federal funds. All federal funds
received for research services as authorized by the governor under s. 16.54 for the
purpose of carrying out general program operations.

Section 496. 20.245 (1) (r) of the statutes is repealed.

Section 497. 20.245 (2) (title) and (a) of the statutes are repealed.

Section 498. 20.245 (2) (bd) of the statutes is repealed.

Section 499. 20.245 (2) (be) of the statutes is repealed.

Section 500. 20.245 (2) (bf) of the statutes is repealed.

Section 501. 20.245 (2) (bg) of the statutes is repealed.

Section 502. 20.245 (2) (bh) of the statutes is repealed.

Section 503. 20.245 (2) (bi) of the statutes is repealed.

Section 504. 20.245 (2) (bj) of the statutes is repealed.

Section 505. 20.245 (2) (c) of the statutes is repealed.

Section 506. 20.245 (2) (e) of the statutes is repealed.

Section 507. 20.245 (2) (g) of the statutes is repealed.

Section 508. 20.245 (2) (h) of the statutes is repealed.
SECTION 509. 20.245 (2) (j) of the statutes is renumbered 20.245 (1) (j) and amended to read:

20.245 (1) (j) Self-amortizing facilities; principal repayment, interest, and rebates. A sum sufficient from the revenues received under par. (g) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement, or improvement of facilities of the historical society related to historic sites and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing such facilities.

SECTION 510. 20.245 (2) (k) of the statutes is repealed.

SECTION 511. 20.245 (2) (km) of the statutes is renumbered 20.245 (1) (km) and amended to read:

20.245 (1) (km) Northern Great Lakes Center. The amounts in the schedule for the operation of the Northern Great Lakes Center. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 4h. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 512. 20.245 (2) (m) of the statutes is repealed.

SECTION 513. 20.245 (2) (r) of the statutes is repealed.

SECTION 514. 20.245 (2) (y) of the statutes is renumbered 20.245 (1) (y).

SECTION 515. 20.245 (3) (title) of the statutes is repealed.

SECTION 516. 20.245 (3) (a) of the statutes is repealed.

SECTION 517. 20.245 (3) (b) of the statutes is repealed.

SECTION 518. 20.245 (3) (c) of the statutes is repealed.
SECTION 519. 20.245 (3) (d) of the statutes is repealed.

SECTION 520. 20.245 (3) (dm) of the statutes is repealed.

SECTION 521. 20.245 (3) (g) of the statutes is repealed.

SECTION 522. 20.245 (3) (gm) of the statutes is repealed.

SECTION 523. 20.245 (3) (h) of the statutes is repealed.

SECTION 524. 20.245 (3) (k) of the statutes is repealed.

SECTION 525. 20.245 (3) (m) of the statutes is repealed.

SECTION 526. 20.245 (3) (n) of the statutes is renumbered 20.245 (1) (n).

SECTION 527. 20.245 (3) (r) of the statutes is repealed.

SECTION 528. 20.245 (4) (title) of the statutes is repealed.

SECTION 529. 20.245 (4) (a) of the statutes is repealed.

SECTION 530. 20.245 (4) (c) of the statutes is repealed.

SECTION 531. 20.245 (4) (e) of the statutes is repealed.

SECTION 532. 20.245 (4) (g) of the statutes is repealed.

SECTION 533. 20.245 (4) (h) of the statutes is repealed.

SECTION 534. 20.245 (4) (k) of the statutes is renumbered 20.245 (1) (ks).

SECTION 535. 20.245 (4) (m) of the statutes is repealed.

SECTION 536. 20.245 (4) (pz) of the statutes is renumbered 20.245 (1) (pz).

SECTION 537. 20.245 (4) (q) of the statutes is renumbered 20.245 (1) (q) and amended to read:

20.245 (1) (q) **Endowment principal.** As a continuing appropriation, from the historical society trust fund, all moneys, securities, and other assets received, to be credited to the appropriations under par. (r) or sub. (1) (r), (2) (r), (3) (r) or (5) (r), in accordance with carry out the purposes for which the assets are received.

SECTION 538. 20.245 (4) (r) of the statutes is repealed.
SECTION 539. 20.245 (4) (s) of the statutes is renumbered 20.245 (1) (s).

SECTION 540. 20.245 (4) (t) of the statutes is renumbered 20.245 (1) (t).

SECTION 541. 20.245 (5) of the statutes is repealed.

SECTION 542. 20.255 (1) (c) of the statutes is amended to read:

20.255 (1) (c) Energy costs; School for the Deaf and Center for the Blind and Visually Impaired. The amounts in the schedule to be used at the Wisconsin School for the Deaf and the Wisconsin Center for the Blind and Visually Impaired to pay for utilities and for fuel, heat and air conditioning, and to pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the department under s. 16.847 (6).

SECTION 543. 20.255 (1) (dt) of the statutes is repealed.

SECTION 544. 20.255 (1) (dw) of the statutes is amended to read:

20.255 (1) (dw) Pupil assessment. The amounts in the schedule for the costs of the examinations developed and administered under s. ss. 118.30 and for the review and modification of academic standards, as provided under 1997 Wisconsin Act 27, section 9140 (5r) 121.02 (1) (r).

SECTION 545. 20.255 (1) (dw) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is repealed.

SECTION 546. 20.255 (2) (ac) of the statutes is amended to read:

20.255 (2) (ac) General equalization aids. A sum sufficient for the payment of educational aids under ss. 121.08, 121.09, and 121.105 and subch. VI of ch. 121 equal to $3,767,893,500 in the 1999–2000 fiscal year and equal to the amount determined by the joint committee on finance under s. 121.15 (3m) (c) in each fiscal year thereafter, less the amount appropriated under par. (bi).

SECTION 547. 20.255 (2) (bi) of the statutes is repealed.
SECTION 548. 20.255 (2) (br) of the statutes is repealed.

SECTION 549. 20.255 (2) (cu) of the statutes is amended to read:

20.255 (2) (cu) Achievement guarantee contracts. The amounts in the schedule for aid to school districts and the program evaluation under s. 118.43. No funds may be encumbered from this appropriation after June 30, 2005.

SECTION 550. 20.255 (2) (cv) of the statutes is amended to read:

20.255 (2) (cv) Achievement guarantee contracts; supplement. The amounts in the schedule for aid to school districts under s. 118.43. No funds may be encumbered from this appropriation after June 30, 2003.

SECTION 551. 20.255 (2) (cw) of the statutes is amended to read:

20.255 (2) (cw) Aid for transportation to institutions of higher education and technical colleges; part-time open enrollment; youth options program. The amounts in the schedule for the payment of state aid for the transportation of pupils attending an institution of higher education or technical college under s. 118.55 (7g) and for the reimbursement of parents for the costs of transportation of pupils who are eligible for assistance under s. 118.52 (11) (b).

SECTION 552. 20.255 (2) (cy) of the statutes is amended to read:

20.255 (2) (cy) Aid for transportation; full-time open enrollment. The amounts in the schedule to reimburse parents for the costs of transportation of full-time open enrollment pupils under s. ss. 118.51 (14) (b) and 118.52 (11) (b).

SECTION 553. 20.255 (2) (es) of the statutes is created to read:

20.255 (2) (es) Grants for consolidation and coordination studies. The amounts in the schedule for grants to school districts to study consolidation or coordination under s. 115.28 (33).

SECTION 554. 20.255 (2) (fh) of the statutes is created to read:
20.255 (2) (fh) Grants for cooperative educational service agencies. The amounts in the schedule for grants to cooperative educational service agencies to develop education services for school districts under s. 116.12.

SECTION 555. 20.255 (2) (fj) of the statutes is created to read:

20.255 (2) (fj) School performance grants. The amounts in the schedule for school performance grants under s. 115.415.

SECTION 556. 20.255 (2) (fr) of the statutes is created to read:

20.255 (2) (fr) Grants for school decentralization plans. The amounts in the schedule for grants to implement school decentralization plans under s. 118.39 (6) (b).

SECTION 557. 20.255 (2) (fs) of the statutes is created to read:

20.255 (2) (fs) Grants for training school administrators. The amounts in the schedule for school administrators under s. 118.39 (6) (c).

SECTION 558. 20.255 (2) (fz) of the statutes is created to read:

20.255 (2) (fz) Charter school development loans. As a continuing appropriation, the amounts in the schedule for charter school development loans under s. 118.40 (9).

SECTION 559. 20.255 (2) (g) of the statutes is created to read:

20.255 (2) (g) Charter school development loans; repayments. All moneys received from the repayment of charter school development loans under s. 118.40 (9), for additional charter school development loans under s. 118.40 (9).

SECTION 560. 20.255 (2) (km) of the statutes is amended to read:

20.255 (2) (km) Alternative school American Indian language and culture education aid. The amounts in the schedule for the payment of aid to alternative schools for American Indian language and culture education programs under s.
115.75. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 11. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

**SECTION 561.** 20.255 (2) (q) of the statutes is repealed.

**SECTION 562.** 20.255 (3) (ec) of the statutes is repealed.

**SECTION 563.** 20.255 (3) (L) of the statutes is created to read:

> 20.255 (3) (L) *Periodical and reference information databases; funds received.*

All moneys received from school districts under s. 115.28 (26) for the costs of the contract for periodical and reference information databases under s. 115.28 (26). No funds may be encumbered from this appropriation after June 30, 2003.

**SECTION 564.** 20.275 (1) (er) of the statutes is amended to read:

> 20.275 (1) (er) *Principal, interest and rebates; general purpose revenue — public library boards.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing educational technology infrastructure financial assistance to public library boards under s. 44.72 (4) (a) 1. or 2. and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m), to the extent that these costs and payments are not paid under par. (hb).

**SECTION 565.** 20.275 (1) (es) of the statutes is amended to read:

> 20.275 (1) (es) *Principal, interest and rebates; general purpose revenue — school districts schools.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing educational technology infrastructure financial assistance to school districts and charter school sponsors under s. 44.72 (4) (a) 1. and to make full payment of the amounts determined by the
building commission under s. 13.488 (1) (m), to the extent that these costs and payments are not paid under par. (h).

**SECTION 566.** 20.275 (1) (et) of the statutes is amended to read:

20.275 (1) (et) *Educational technology training and technical assistance grants.* Biennially, the amounts in the schedule for grants to secured correctional facilities, as defined in s. 44.70 (3r), cooperative educational service agencies and consortia under s. 44.72 (1) and to the board of regents of the University of Wisconsin System under 1999 Wisconsin Act 9, section 9148 (2g).

**SECTION 567.** 20.275 (1) (f) of the statutes is amended to read:

20.275 (1) (f) *Educational technology block grants.* The amounts in the schedule to make payments to school districts, secured correctional facilities, as defined in s. 44.70 (3r), and charter school sponsors under s. 44.72 (2) (b) 2.

**SECTION 568.** 20.275 (1) (h) of the statutes is amended to read:

20.275 (1) (h) *Principal, interest and rebates; program revenue — school districts schools.* All moneys received under s. 44.72 (4) (c) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing educational technology infrastructure financial assistance to school districts and charter school sponsors under s. 44.72 (4) (a) 1, and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m).

**SECTION 569.** 20.275 (1) (hb) of the statutes is amended to read:

20.275 (1) (hb) *Principal, interest and rebates; program revenue — public library boards.* All moneys received under s. 44.72 (4) (c) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing educational technology infrastructure financial assistance to public library boards under s. 44.72
(4) (a) 1. or 2. and to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m).

SECTION 570. 20.275 (1) (k) of the statutes is created to read:

20.275 (1) (k) Funds received from other state agencies. All moneys received from other state agencies to carry out the purposes for which received.

SECTION 571. 20.275 (1) (L) of the statutes is amended to read:

20.275 (1) (L) Equipment purchases and leases. All moneys received from school districts, cooperative educational service agencies and public educational institutions for the purchase or lease of educational technology equipment under s. 44.71 (2) (a) 8. (h), for the purpose of purchasing such equipment.

SECTION 572. 20.275 (1) (s) of the statutes is amended to read:

20.275 (1) (s) Telecommunications access; school districts; grant. Biennially, from the universal service fund, the amounts in the schedule to make payments to telecommunications providers under contracts with the department of administration under s. 16.974 (7) (a) (1) to the extent that the amounts due are not paid from the appropriation under s. 20.505 20.530 (1) (is) and, prior to July 1, 2002, to make grants to school districts under s. 44.73 (6); and, in the 1999–2000 2001–02 fiscal year, to award a grant to the distance learning network under 1999 Wisconsin Act 9, section 9148 (4w) conduct pilot projects under 2001 Wisconsin Act .... (this act), section 9149 (2).

SECTION 573. 20.275 (1) (t) of the statutes is amended to read:

20.275 (1) (t) Telecommunications access; private and technical colleges and libraries. Biennially, from the universal service fund, the amounts in the schedule to make payments to telecommunications providers under contracts with the
department of administration under s. 16.974 (7) (d) (2) to the extent that the
amounts due are not paid from the appropriation under s. 20.505 20.530 (1) (is).

**SECTION 574.** 20.275 (1) (tm) of the statutes is amended to read:

20.275 (1) (tm) *Telecommunications access; private schools.* Biennially, from
the universal service fund, the amounts in the schedule to make payments to
telecommunications providers under contracts with the department of
administration under s. 16.974 (7) (e) (3) to the extent that the amounts due are not
paid from the appropriation under s. 20.505 20.530 (1) (is) and, prior to July 1, 2002,
to make grants to private schools under s. 44.73 (6).

**SECTION 575.** 20.275 (1) (tu) of the statutes is amended to read:

20.275 (1) (tu) *Telecommunications access; state schools.* Biennially, from the
universal service fund, the amounts in the schedule to make payments to
telecommunications providers under contracts with the department of
administration under s. 16.974 (7) (d) (4) to the extent that the amounts due are not
paid from the appropriation under s. 20.505 (1) (kL) 20.530 (1) (ke).

**SECTION 576.** 20.275 (1) (tw) of the statutes is created to read:

20.275 (1) (tw) *Telecommunications access; secured correctional facilities.*
Biennially, from the universal service fund, the amounts in the schedule to make
payments to telecommunications providers under contracts with the department of
administration under s. 16.974 (1) to the extent that the amounts due are not paid
from the appropriation under s. 20.530 (1) (ke).

**SECTION 577.** 20.285 (1) (c) of the statutes is amended to read:

20.285 (1) (c) *Energy costs.* The amounts in the schedule to pay for utilities and
for fuel, heat and air conditioning, and to pay costs incurred under ss. 16.858 and
16.895, including all operating costs recommended by the department of
administration that result from the installation of pollution abatement equipment in state-owned or operated heating, cooling or power plants, by or on behalf of the board of regents, and to repay to the energy efficiency fund loans made to the board under s. 16.847 (6).

**SECTION 578.** 20.285 (1) (hp) of the statutes is created to read:

20.285 (1) (hp) *Contract services to broadcasting corporation.* All moneys received from the corporation described under s. 39.82 (1) for services provided under a contract entered into under s. 36.25 (5m) (b) 1.

**SECTION 579.** 20.285 (1) (im) of the statutes is amended to read:

20.285 (1) (im) *Academic student fees.* Except as provided under pars. (ip), (ir), (Lm), and (Ls), all moneys received from academic student fees for degree credit instruction, other than for credit outreach instruction sponsored by the University of Wisconsin–Extension.

**SECTION 580.** 20.285 (1) (ir) of the statutes is created to read:

20.285 (1) (ir) *Academic fees and tuition; supplemental.* All moneys received from academic fees and tuition for courses for which nonresident and resident students pay the same academic fees or tuition and for which the academic fees or tuition charged equals 100% of the cost of offering the course, for instruction in such courses.

**SECTION 581.** 20.285 (1) (km) of the statutes is amended to read:

20.285 (1) (km) *Aquaculture demonstration facility; principal repayment and interest.* The amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the construction of the aquaculture demonstration facility enumerated under 1999 Wisconsin Act 9, section 9107 (1) (i) 3. and to make the payments determined by the building commission...
under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred
in financing that facility. All moneys transferred from the appropriation account
under s. 20.505 (8) (hm) 1c. shall be credited to this appropriation account.

Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 582. 20.285 (1) (kn) of the statutes is amended to read:

20.285 (1) (kn) Aquaculture demonstration facility; operational costs. The
amounts in the schedule for the operational costs of the aquaculture demonstration
facility enumerated under 1999 Wisconsin Act 9, section 9107 (1) (i) 3. All moneys
transferred from the appropriation account under s. 20.505 (8) (hm) 11a. shall be
credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
unencumbered balance on June 30 of each year shall revert to the appropriation
account under s. 20.505 (8) (hm).

SECTION 583. 20.292 (1) (gm) of the statutes is amended to read:

20.292 (1) (gm) Fire schools; state operations. The amounts in the schedule for
supervising and conducting schools for instruction in fire protection and prevention
and emergency extrication under s. 38.04 (9). All moneys transferred from s. 20.143
(3) (L) to this appropriation shall be credited to this appropriation.

SECTION 584. 20.292 (1) (km) of the statutes is created to read:

20.292 (1) (km) Internet courses. All moneys transferred under 2001 Wisconsin
Act .... (this act), section 9101 (10) (a) 6., to assist district boards in developing
Internet courses under s. 38.04 (30) (c) and to establish an Internet site relating to
such courses under s. 38.04 (30) (a).

SECTION 585. 20.370 (1) (title) of the statutes is amended to read:

20.370 (1) (title) LAND AND FORESTRY.
SECTION 586. 20.370 (1) (hk) of the statutes is amended to read:

20.370 (1) (hk) Elk management. From the general fund, the amounts in the schedule for the costs associated with the management of the elk population in this state and for the costs associated with the transportation of elk brought into the state. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8g. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 587. 20.370 (1) (hq) of the statutes is created to read:

20.370 (1) (hq) Elk hunting fees. All moneys received from the sale of elk hunting licenses under s. 29.182 and from voluntary contributions under s. 29.567 to be used for administering elk hunting licenses, for elk management and research activities, and for the elk hunter education program under s. 29.595.

SECTION 588. 20.370 (1) (ik) of the statutes is created to read:

20.370 (1) (ik) Deer management. From the general fund, the amounts in the schedule for the costs associated with the management of the deer population in the state. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8h. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 589. 20.370 (1) (Lk) of the statutes, as affected by 1999 Wisconsin Act 9, section 308L, is amended to read:

20.370 (1) (Lk) Wild crane management. From the general fund, the amounts in the schedule for the costs associated with reintroducing whooping cranes into the state. All moneys transferred from the appropriation account under s. 20.505 (8)
(hm) 8i. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 590. 20.370 (1) (Lv) of the statutes is created to read:

20.370 (1) (Lv) Master hunter education program. As a continuing appropriation, all moneys remitted to the department under s. 29.592 (3) (b) and all moneys received from fees collected under s. 29.563 (12) (c) 2m. for the master hunter education program under s. 29.592.

SECTION 591. 20.370 (1) (ms) of the statutes is amended to read:

20.370 (1) (ms) General program operations — state all-terrain vehicle projects. The amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) for state all-terrain vehicle projects.

SECTION 592. 20.370 (1) (my) of the statutes is amended to read:

20.370 (1) (my) General program operations — federal funds. All moneys received as federal aid for land, forestry, and wildlife management, as authorized by the governor under s. 16.54 for the purposes for which received.

SECTION 593. 20.370 (2) (du) of the statutes is created to read:

20.370 (2) (du) Solid waste management — site-specific remediation. From the environmental fund, all moneys received, other than from the federal government, for the remediation of environmental contamination at specific sites, under settlement agreements or orders and all moneys received in settlement of actions initiated under 42 USC 9601 to 9675 for environmental remediation, restoration, and development, including the replacement of fish or wildlife, that has not been conducted when the moneys are received, to carry out the purposes for which received.
SECTION 594. 20.370 (2) (eq) of the statutes is amended to read:

20.370 (2) (eq) Solid waste management — dry cleaner environmental response. From the dry cleaner environmental response fund, the amounts in the schedule for review of remedial action under ss. s. 292.65 and 292.66.

SECTION 595. 20.370 (3) (ak) of the statutes is amended to read:

20.370 (3) (ak) Law enforcement — snowmobile enforcement and safety training; service funds. From the general fund, the amounts in the schedule for snowmobile enforcement operations under ss. 350.055, 350.12 (4) (a) 2m., 3., and 3m., and 350.155 and for safety training and fatality reporting. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8k. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 596. 20.370 (3) (as) of the statutes is amended to read:

20.370 (3) (as) Law enforcement — all-terrain vehicle enforcement. The amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e), for state law enforcement operations related to all-terrain vehicles, including actual enforcement, safety training, accident reporting, and similar activities.

SECTION 597. 20.370 (3) (ma) of the statutes is amended to read:

20.370 (3) (ma) General program operations — state funds. From the general fund, the amounts in the schedule for regulatory and enforcement operations under chs. 30, 31 and 280 to 299, except s. 281.48, and ss. 44.47, 59.692, 59.693, 61.351, 61.354, 62.231, 62.234 and 87.30, for reimbursement of the conservation fund for expenses incurred for actions taken under s. 166.04; for nonpoint source water
pollution research, evaluation, and monitoring; for review of environmental impact
requirements under ss. 1.11 and 23.40; and for enforcement of the treaty-based,
off-reservation rights to fish, hunt and gather held by members of federally
recognized American Indian tribes or bands.

**SECTION 598.** 20.370 (3) (mt) of the statutes is repealed.

**SECTION 599.** 20.370 (4) (as) of the statutes is renumbered 20.370 (4) (ab) and
amended to read:

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20.370 (4) (ab) Water resources — trading water pollution credits. As a
continuing appropriation, from the environmental general fund, the amounts in the
schedule for water pollution credit trading pilot projects under s. 283.84.
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**SECTION 600.** 20.370 (4) (at) of the statutes is renumbered 20.370 (4) (ac) and
amended to read:

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20.370 (4) (ac) Watershed — nonpoint source contracts. Biennially, from the
environmental general fund, the amounts in the schedule for nonpoint source water
pollution abatement program contracts under s. 281.65 (4g).
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**SECTION 601.** 20.370 (4) (bj) of the statutes is amended to read:

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20.370 (4) (bj) Storm water management — fees. From the general fund, the
amounts in the schedule for the administration, including enforcement, of the storm
water discharge permit program under s. 283.33. All moneys received under s.
283.33 (9) shall be credited to this appropriation account.
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**SECTION 602.** 20.370 (4) (kk) of the statutes is amended to read:

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20.370 (4) (kk) Fishery resources for ceded territories. From the general fund,
the amounts in the schedule for the management of the state’s fishery resources
within an area where federally recognized American Indian tribes or bands
domiciled in this state hold treaty-based, off-reservation rights to fish and for
liaison activities with these tribes or bands that relate to fishery resources. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance of June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 603. 20.370 (4) (mr) of the statutes is repealed.

SECTION 604. 20.370 (5) (by) of the statutes is amended to read:

20.370 (5) (by) Resource aids — fire suppression grants. The amounts in the schedule for grants for fire suppression clothing, supplies, equipment, and vehicles, for acquiring fire prevention materials, and for training fire fighters under s. 26.145.

SECTION 605. 20.370 (5) (cq) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

20.370 (5) (cq) Recreation aids — recreational boating and other projects. As a continuing appropriation, the amounts in the schedule for recreational boating aids under s. 30.92, for the grant for Black Point Estate under s. 23.0962, for the Portage levee system and the Portage canal under s. 31.309, for development of a state park under s. 23.198, for funding for the Fox River Navigational System Authority under s. 237.08 (2), and for the engineering and environmental study under s. 31.307.

SECTION 606. 20.370 (5) (cu) of the statutes is amended to read:

20.370 (5) (cu) Recreation aids — all-terrain vehicle project aids. As a continuing appropriation, the amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) to provide aid to towns, villages, cities, counties, and federal agencies for nonstate all-terrain vehicle projects.

SECTION 607. 20.370 (5) (cw) of the statutes is created to read:
20.370 (5) (cw) Recreation aids — supplemental snowmobile trail aids. As a continuing appropriation, from the snowmobile account in the conservation fund an amount equal to the amount calculated under s. 350.12 (4) (bg) 2. for the purposes specified in s. 350.12 (4) (b).

SECTION 608. 20.370 (5) (ek) of the statutes is created to read:

20.370 (5) (ek) Enforcement aids — snowmobile enforcement; service funds. From the general fund, the amounts in the schedule for providing law enforcement aids to counties as authorized under s. 350.12 (4) (a) 4. to be used exclusively for the enforcement of ch. 350. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8m. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 609. 20.370 (5) (er) of the statutes is amended to read:

20.370 (5) (er) Enforcement aids — all-terrain vehicle enforcement. The amounts in the schedule from moneys received from all-terrain vehicle fees under s. 23.33 (2) (c) to (e) for local law enforcement aids.

SECTION 610. 20.370 (5) (ft) of the statutes is created to read:

20.370 (5) (ft) Venison processing; voluntary contributions. All moneys received from voluntary contributions under s. 29.565 to be used for payments under the venison processing and donation program under s. 29.89 and for promotional and educational activities and materials to encourage voluntary contributions under s. 29.565.

SECTION 611. 20.370 (6) (aq) of the statutes is repealed.

SECTION 612. 20.370 (6) (ar) of the statutes is amended to read:
20.370 (6) (ar) Environmental aids — lake protection. From the conservation fund, as a continuing appropriation, the amounts in the schedule for grants and contracts under ss. 281.68 and 281.69 and for signs identifying premier lakes under s. 281.69 (4m).

SECTION 613. 20.370 (6) (au) of the statutes is renumbered 20.370 (6) (ac) and amended to read:

20.370 (6) (ac) Environmental aids — river protection; environmental fund. From the environmental fund, the amounts in the schedule for river protection grants under s. 281.70. Notwithstanding 20.001 (3) (a), on June 30 of each fiscal year the unencumbered balance in this appropriation account shall be transferred to the appropriation account under par. (ar).

SECTION 614. 20.370 (6) (bq) of the statutes is repealed.

SECTION 615. 20.370 (6) (bt) of the statutes is created to read:

20.370 (6) (bt) Regional recycling grants. From the recycling fund, the amounts in the schedule for the regional recycling grants under s. 287.24.

SECTION 616. 20.370 (6) (dk) of the statutes is amended to read:

20.370 (6) (dk) Environmental aids — Oneida Nation; Indian gaming. The amounts in the schedule for nonpoint grants and assistance to the Oneida Nation of Chippewa under s. 281.65. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 17e. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 617. 20.370 (6) (dq) of the statutes is renumbered 20.370 (6) (db) and amended to read:
20.370 (6) (db) Environmental aids — urban nonpoint source. From the environmental fund, Biennially, the amounts in the schedule to provide financial assistance for urban nonpoint source water pollution abatement and storm water management under s. 281.66 and for municipal flood control and riparian restoration under s. 281.665.

SECTION 618. 20.370 (6) (eq) of the statutes is amended to read:

20.370 (6) (eq) Environmental aids — dry cleaner environmental response. Biennially, from the dry cleaner environmental response fund, the amounts in the schedule for financial assistance under ss. s. 292.65 and 292.66 and to make transfers required under s. 292.65 (11).

SECTION 619. 20.370 (6) (er) of the statutes is repealed.

SECTION 620. 20.370 (6) (et) of the statutes is repealed.

SECTION 621. 20.370 (7) (au) of the statutes is created to read:

20.370 (7) (au) State forest acquisition and development — principal repayment and interest. From the conservation fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing land acquisition and development for state forests from the appropriations under s. 20.866 (2) (ta) and (tz). No moneys may be expended or encumbered from this appropriation after June 30, 2003.

SECTION 622. 20.370 (7) (mk) of the statutes is created to read:

20.370 (7) (mk) General program operations — service funds. From the general fund, all moneys received by the department from the department and from other state agencies for facilities, materials, or services provided by the department relating to resource acquisition or development to pay for expenses associated with those facilities, materials, or services.


**SECTION 623.** 20.370 (9) (hk) of the statutes is amended to read:

20.370 (9) (hk) **Approval fees to Lac du Flambeau band-service funds.** From the general fund, the amounts in the schedule for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

**SECTION 624.** 20.370 (9) (hu) of the statutes is amended to read:

20.370 (9) (hu) **Handling and other fees.** All moneys received by the department as specified under ss. 23.33 (2) (o), 29.556, 30.52 (1m) (e), and 350.12 (3h) (g) for licensing, for the issuing and renewing of certificates and registrations by the department under ss. 23.33 (2) (i) and (ig), 30.52 (1m) (a) and (ag), and 350.12 (3h) (a) and (ag).

**SECTION 625.** 20.370 (9) (jL) of the statutes is amended to read:

20.370 (9) (jL) **Fox River management; fees.** From the general fund, all moneys received from user fees imposed under s. 30.93 (4) or 30.94 (5) for the management and operation of the Fox River navigational system and for expenses of the Fox River management commission under s. 30.93 and, after the date on which the governor makes the certification under s. 30.94 (8), for the management, operation, restoration and repair of the Fox River navigational system and expenses of the Fox-Winnebago regional management commission under s. 30.94. No moneys may be encumbered from this appropriation after the date on which the state and the Fox River Navigational System Authority enter into the lease agreement specified in s. 237.06.
SECTION 626. 20.370 (9) (ju) of the statutes is amended to read:

20.370 (9) (ju) Fox River management. Biennially, the amounts in the schedule for the management and operation of the Fox River navigational system and for expenses of the Fox River management commission under s. 30.93 and, after the date on which the governor makes the certification under s. 30.94 (8), for the management, operation, restoration and repair of the Fox River navigational system and expenses of the Fox−Winnebago regional management commission. No moneys may be encumbered from this appropriation after the date on which the state and the Fox River Navigational System Authority enter into the lease agreement specified in s. 237.06.

SECTION 627. 20.370 (9) (my) of the statutes is amended to read:

20.370 (9) (my) General program operations — federal funds. All moneys received as federal aid for the restoration and repair of the Fox River navigational system, for expenses of the Fox River management commission, for the Fox−Winnebago regional management commission and for communications, customer services and aids administration, as authorized by the governor under s. 16.54, for the purposes for which received.

SECTION 628. 20.370 (9) (nq) of the statutes is amended to read:

20.370 (9) (nq) Aids administration — dry cleaner environmental response. From the dry cleaner environmental response fund, the amounts in the schedule to administer ss. s. 292.65 and 292.66.

SECTION 629. 20.373 of the statutes is created to read:

20.373 Fox River Navigational System Authority. There is appropriated, from the conservation fund, to the Fox River Navigational System Authority for the following program:
(1) INITIAL COSTS. (r) Establishment and operation. As a continuing appropriation, the amounts in the schedule for the establishment of the Fox River Navigational System Authority and for the initial costs of operating the Fox River Navigational System Authority and the Fox River navigational system.

**SECTION 630.** 20.380 (1) (kg) of the statutes is amended to read:

20.380 (1) (kg) Tourism marketing; gaming revenue. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6. for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17 and for the grants under 1999 Wisconsin Act 9, section 9149 (2c) and (2tw). In each fiscal year, the department shall expend for tourism marketing service expenses and the execution of the functions under ss. 41.11 (4) and 41.17 an amount that bears the same proportion to the amount in the schedule for the fiscal year as the amount expended under par. (b) in that fiscal year bears to the amount in the schedule for par. (b) for that fiscal year. Of the amounts in the schedule, $200,000 shall be allocated for grants to the Milwaukee Public Museum for Native American exhibits and activities. Notwithstanding s. 20.001 (3) (c), the unencumbered balance on June 30 of each odd-numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

**SECTION 631.** 20.380 (1) (km) of the statutes is amended to read:

20.380 (1) (km) Tourist information assistant. The amounts in the schedule to pay for a tourist information assistant. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).
SECTION 632. 20.380 (2) (dq) of the statutes is renumbered 20.380 (2) (r) and amended to read:

20.380 (2) (r) Kickapoo valley reserve; aids in lieu of taxes. From the conservation fund, a sum sufficient to pay aids to taxing jurisdictions for the Kickapoo valley reserve under s. 41.41 (10).

SECTION 633. 20.395 (1) (bs) of the statutes is amended to read:

20.395 (1) (bs) Demand management and ride-sharing grants Transportation employment and mobility, state funds. The As a continuing appropriation, the amounts in the schedule for the demand management and ride-sharing grant transportation employment and mobility program under s. 85.24 (3) (d) and for the grant under 2001 Wisconsin Act .... (this act), section 9152 (5).

SECTION 634. 20.395 (1) (bv) of the statutes is amended to read:

20.395 (1) (bv) Transit and demand management transportation employment and mobility aids, local funds. All moneys received from any local unit of government or other source for urban mass transit purposes under s. 85.20, for rural public transportation purposes under s. 85.23, or for demand management and ride-sharing purposes transportation employment and mobility purposes under s. 85.24 that are not funded from other appropriations under this subsection, for such purposes.

SECTION 635. 20.395 (1) (bx) of the statutes is amended to read:

20.395 (1) (bx) Transit and demand management transportation employment and mobility aids, federal funds. All moneys received from the federal government for urban mass transit purposes under s. 85.20, for rural public transportation purposes under s. 85.23, or for demand management and ride-sharing
transportation employment and mobility purposes under s. 85.24 that are not funded
from other appropriations under this subsection, for such purposes.

**SECTION 636.** 20.395 (1) (gr) of the statutes is created to read:

20.395 (1) (gr) *Grants to local professional football stadium districts, state
funds.* The amounts in the schedule for the purpose of awarding grants under 2001
Wisconsin Act .... (this act), section 9152 (4).

**SECTION 637.** 20.395 (1) (gr) of the statutes, as created by 2001 Wisconsin Act
.... (this act), is repealed.

**SECTION 638.** 20.395 (1) (jq) of the statutes is created to read:

20.395 (1) (jq) *Supplemental mass transit aids for Tiers A-1 and A-2, state
funds.* As a continuing appropriation, the amounts in the schedule for supplemental
mass transit aids under s. 85.20 (4p) (a).

**SECTION 639.** 20.395 (1) (jr) of the statutes is created to read:

20.395 (1) (jr) *Supplemental mass transit aids for Tier B, state funds.* As a
continuing appropriation, the amounts in the schedule for supplemental mass
transit aids under s. 85.20 (4p) (b).

**SECTION 640.** 20.395 (1) (js) of the statutes is created to read:

20.395 (1) (js) *Supplemental mass transit aids for Tier C, state funds.* As a
continuing appropriation, the amounts in the schedule for supplemental mass
transit aids under s. 85.20 (4p) (c).

**SECTION 641.** 20.395 (1) (jt) of the statutes is created to read:

20.395 (1) (jt) *Supplemental mass transit aids for shared-ride taxicab systems,
state funds.* As a continuing appropriation, the amounts in the schedule for
supplemental mass transit aids under s. 85.20 (4p) (d).

**SECTION 642.** 20.395 (2) (dc) of the statutes is created to read:
20.395 (2) (dc) Aeronautical activities matching supplement, state funds. From the general fund, a sum sufficient in each fiscal year equal to one-half of the difference between $11,800,000 and the amounts received under par. (dr) during the preceding fiscal year, or equal to $650,000, whichever is less, for the purposes of the state’s share of airport projects under ss. 114.34 and 114.35; for developing air marking and other air navigational facilities; for administration of the powers and duties of the secretary of transportation under s. 114.31; for costs associated with aeronautical activities under s. 114.31, except for the program under s. 114.31 (3) (b); and for the administration of other aeronautical activities, except aircraft registration under s. 114.20, authorized by law. No moneys may be encumbered from this appropriation for any fiscal year in excess of the amounts encumbered from the appropriation under par. (dt) for that fiscal year. No moneys may be encumbered from this appropriation for any fiscal year if the amounts received under par. (dr) during the previous fiscal year are equal to or greater than $11,800,000.

SECTION 643. 20.395 (2) (dq) of the statutes is repealed.

SECTION 644. 20.395 (2) (dr) of the statutes is created to read:

20.395 (2) (dr) Aeronautical activities, state funds. All moneys received from taxes on air carrier companies under ch. 76, from aircraft registration fees under s. 114.20, from general aviation fuel taxes under subch. III of ch. 78, from sales and use taxes on noncommercial aircraft as determined under s. 77.65, and from any other tax or fee received from an aeronautical activity and deposited in the transportation fund, except moneys appropriated under pars. (dv) and (dx) and sub. (4) (es), and all moneys transferred under 2001 Wisconsin Act .... (this act), section 9252 (1), for the purposes of the state’s share of airport projects under ss. 114.34 and 114.35; for developing air marking and other air navigational facilities; for administration of the
powers and duties of the secretary of transportation under s. 114.31; for costs 
associated with aeronautical activities under s. 114.31, except for the program under 
s. 114.31 (3) (b); and for the administration of other aeronautical activities, except 
aircraft registration under s. 114.20, authorized by law.

SECTION 645. 20.395 (2) (dt) of the statutes is created to read:

20.395 (2) (dt) Aeronautical activities supplement, state funds. A sum sufficient 
in each fiscal year equal to one-half of the difference between $11,800,000 and the 
amounts received under par. (dr) during the preceding fiscal year, or equal to 
$650,000, whichever is less, for the purposes of the state's share of airport projects 
under ss. 114.34 and 114.35; for developing air marking and other air navigational 
facilities; for administration of the powers and duties of the secretary of 
transportation under s. 114.31; for costs associated with aeronautical activities 
under s. 114.31, except for the program under s. 114.31 (3) (b); and for the 
administration of other aeronautical activities, except aircraft registration under s. 
114.20, authorized by law. No moneys may be encumbered from this appropriation 
for any fiscal year in excess of the amounts encumbered from the appropriation 
under par. (dc) for that fiscal year. No moneys may be encumbered from this 
appropriation for any fiscal year if the amounts received under par. (dr) during the 
previous fiscal year are equal to or greater than $11,800,000.

SECTION 646. 20.395 (2) (eq) of the statutes is repealed.

SECTION 647. 20.395 (2) (ev) of the statutes is repealed.

SECTION 648. 20.395 (2) (ex) of the statutes is repealed.

SECTION 649. 20.395 (2) (fq) of the statutes is created to read:

20.395 (2) (fq) Local transportation facility improvement assistance, state 
funds. As a continuing appropriation, the amounts in the schedule for providing
public access roads to navigable waters, for improving bridges under ss. 84.12, 84.17, and 84.18, for payments to local units of government for jurisdictional transfers under s. 84.16, for the purposes of ss. 84.27 and 84.28, and for improving transportation facilities, including facilities funded under applicable federal acts or programs, that are not state trunk or connecting highways.

**SECTION 650.** 20.395 (2) (fv) of the statutes is amended to read:

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20.395 (2) (fv) Local transportation facility improvement assistance, local funds. All moneys received from any local unit of government or other source for providing public access roads to navigable waters and, for improving bridges under ss. 84.12, 84.17, and 84.18, for the purposes of ss. 84.27 and 84.28, and for improving transportation facilities, including facilities funded under applicable federal acts or programs, that are not state trunk or connecting highways, for such purposes.
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**SECTION 651.** 20.395 (2) (fx) of the statutes is amended to read:

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20.395 (2) (fx) Local transportation facility improvement assistance, federal funds. All moneys received from the federal government for providing public access roads to navigable waters and, for improving bridges under ss. 84.12, 84.17, and 84.18, for the purposes of ss. 84.27 and 84.28, and for improving transportation facilities, including facilities funded under applicable federal acts or programs, that are not state trunk or connecting highways, for such purposes.
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**SECTION 652.** 20.395 (2) (iq) (title) of the statutes is amended to read:

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20.395 (2) (iq) (title) Transportation Tommy G. Thompson transportation facilities economic assistance and development program, state funds.
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**SECTION 653.** 20.395 (2) (iv) (title) of the statutes is amended to read:

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20.395 (2) (iv) (title) Transportation Tommy G. Thompson transportation facilities economic assistance and development program, local funds.
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SECTION 654. 20.395 (2) (ix) (title) of the statutes is amended to read:

20.395 (2) (ix) (title) Transportation Tommy G. Thompson transportation facilities economic assistance and development program, federal funds.

SECTION 655. 20.395 (3) (ck) of the statutes is created to read:

20.395 (3) (ck) West Canal Street reconstruction, service funds. From the general fund, as a continuing appropriation, the amounts in the schedule for the grant under s. 84.03 (3) (c). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 21. shall be credited to this appropriation account.

SECTION 656. 20.395 (3) (cr) of the statutes is created to read:

20.395 (3) (cr) Marquette interchange reconstruction, state funds. As a continuing appropriation, the amounts in the schedule for reconstruction of the Marquette interchange in Milwaukee County.

SECTION 657. 20.395 (3) (cs) of the statutes is created to read:

20.395 (3) (cs) Marquette interchange reconstruction, service funds. All moneys received from the fund created under s. 18.57 (1) as reimbursement for the temporary financing under sub. (9) (th) of the project that is financed under s. 84.59 and specified under s. 84.014, for the purpose of financing such project.

SECTION 658. 20.395 (3) (cw) of the statutes is created to read:

20.395 (3) (cw) Marquette interchange reconstruction, local funds. All moneys received from any local unit of government or other source for the reconstruction of the Marquette interchange in Milwaukee County, for such purpose.

SECTION 659. 20.395 (3) (cy) of the statutes is created to read:

20.395 (3) (cy) Marquette interchange reconstruction, federal funds. All moneys received from the federal government for the Marquette interchange
reconstruction project in Milwaukee County and for the grant under s. 84.03 (3) (a),
for such purposes.

**SECTION 660.** 20.395 (3) (eq) of the statutes is amended to read:

20.395 (3) (eq) *Highway maintenance, repair, and traffic operations, state funds.* Biennially, amounts in the schedule for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07, and bridges that are not on the state trunk highway system under s. 84.10; for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization, and highway lighting under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; for the scenic byway program under s. 84.106; and for the disadvantaged business demonstration and training program under s. 84.076. This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.

**SECTION 661.** 20.395 (3) (ev) of the statutes is amended to read:

20.395 (3) (ev) *Highway maintenance, repair, and traffic operations, local funds.* All moneys received from any local unit of government or other sources for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07, and bridges that are not on the state trunk highway system under s. 84.10; for signing under s. 86.195; for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization, and highway lighting under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; for the scenic byway program under s. 84.106; and for the disadvantaged business demonstration and training program under s. 84.076; for such purposes. This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.

**SECTION 662.** 20.395 (3) (ex) of the statutes is amended to read:
20.395 (3) (ex)  *Highway maintenance, repair, and traffic operations, federal funds.* All moneys received from the federal government for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07, and bridges that are not on the state trunk highway system under s. 84.10; for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization, and highway lighting under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; for the scenic byway program under s. 84.106; and for the disadvantaged business demonstration and training program under s. 84.076; for such purposes. This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.

**Section 663.** 20.395 (3) (ix) of the statutes is amended to read:

20.395 (3) (ix)  *Administration and planning, federal funds.* All moneys received from the federal government for the administration and planning of departmental programs under subs. (1) to (3) and to transfer to the appropriation account under s. 20.505 (1) (z) the amounts in the schedule under s. 20.505 (1) (z), for such purposes.

**Section 664.** 20.395 (3) (jh) of the statutes is created to read:

20.395 (3) (jh)  *Utility facilities within highway rights-of-way, state funds.* From the general fund, all moneys received from telecommunications providers, as defined in s. 196.01 (8p), or cable telecommunications service providers, as defined in s. 196.01 (1r), for activities related to locating, accommodating, operating, or maintaining utility facilities within highway rights-of-way, for such purposes.

**Section 665.** 20.395 (3) (jj) of the statutes is created to read:
20.395 (3) (jj) **Damage claims.** From the general fund, all moneys received as payment for losses of and damage to state property for costs associated with repair or replacement of such property, for such purposes.

**SECTION 666.** 20.395 (3) (js) of the statutes is created to read:

20.395 (3) (js) **Telecommunications services, service funds.** All moneys received from other state agencies as payment for telecommunications services described in s. 84.01 (31), except moneys received under sub. (5) (dk), for costs associated with the services.

**SECTION 667.** 20.395 (4) (aq) of the statutes is amended to read:

20.395 (4) (aq) **Departmental management and operations, state funds.** The amounts in the schedule for departmental planning and administrative activities and the administration and management of departmental programs except those programs under subs. (2) (bq), (cq), (d) and (3) (iq), including those activities in s. 85.07 and including not less than $220,000 in each fiscal year to reimburse the department of justice for legal services provided the department under s. 165.25 (4) (a) and including activities related to the demand management and ride-sharing transportation employment and mobility program under s. 85.24 that are not funded from the appropriation under sub. (1) (bs), (bv) or (bx), the minority civil engineer scholarship and loan repayment incentive grant program under s. 85.107, and the Type 1 motorcycle, moped, and motor bicycle safety program under s. 85.30 and to match federal funds for mass transit planning.

**SECTION 668.** 20.395 (4) (aq) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is repealed and recreated to read:

20.395 (4) (aq) **Departmental management and operations, state funds.** The amounts in the schedule for departmental planning and administrative activities
and the administration and management of departmental programs except those programs under subs. (2) (bq), (cq), (dc), (dr), and (dt) and (3) (iq), including those activities in s. 85.07 and including not less than $220,000 in each fiscal year to reimburse the department of justice for legal services provided the department under s. 165.25 (4) (a) and including activities related to the transportation employment and mobility program under s. 85.24 that are not funded from the appropriation under sub. (1) (bs), (bv), or (bx), the minority civil engineer scholarship and loan repayment incentive grant program under s. 85.107, the Type 1 motorcycle, moped, and motor bicycle safety program under s. 85.30 and to match federal funds for mass transit planning.

SECTION 669. 20.395 (4) (av) of the statutes is amended to read:

20.395  (4) av Departmental management and operations, local funds. All moneys received from any local unit of government or other source for departmental planning and administrative activities, for the administration and management of departmental programs except those programs under subs. (2) (bv) and (dv) and (3) (iv), and for activities related to the demand management and ride-sharing transportation employment and mobility program under s. 85.24 that are not funded from the appropriation under sub. (1) (bs), (bv) or (bx), for such purposes.

SECTION 670. 20.395 (4) (ax) of the statutes is amended to read:

20.395  (4) ax Departmental management and operations, federal funds. All moneys received from the federal government for the administration and management of departmental programs except those programs under subs. (2) (bx) and (dx) and (3) (ix), and for departmental planning and administrative activities including all moneys received as federal aid as authorized by the governor under s. 16.54 to promote highway safety and continue the local traffic safety representatives
program and for purposes of s. 85.07 and for activities related to the demand
management and ride-sharing transportation employment and mobility program
under s. 85.24 that are not funded from the appropriation under sub. (1) (bs), (bv),
or (bx), and to transfer to the appropriation account under s. 20.505 (1) (z) the
amounts in the schedule under s. 20.505 (1) (z) for such purposes.

SECTION 671. 20.395 (4) (jr) of the statutes is created to read:

20.395 (4) (jr) Marquette interchange reconstruction project revenue obligation
funding. As a continuing appropriation, all proceeds from revenue obligations
issued under s. 84.59 and deposited into the fund created under s. 18.57 (1), for the
Marquette interchange reconstruction project under s. 84.014 for the purposes of ss.
84.06 and 84.09, providing for reserves and for expenses of issuance and
management of the revenue obligations. Estimated disbursements under this
paragraph shall not be included in the schedule under s. 20.005.

SECTION 672. 20.395 (5) (ek) of the statutes is amended to read:

20.395 (5) (ek) Safe-ride grant program; state funds. From the general fund,
all moneys transferred from the appropriation account under s. 20.435 (6) (hx) for the
purpose of awarding grants under s. 85.55. Notwithstanding s. 20.001 (3) (c), the
unencumbered balance in this appropriation account on June 30 of each year shall
revert to the appropriation account under s. 20.435 (6) (hx).

SECTION 673. 20.395 (9) (rd) of the statutes is amended to read:

20.395 (9) (rd) Airport construction major cost carry-over. When an airport
development project is approved by the governor under s. 114.33 (3), the moneys
allocated for the project from sub. (2) (dq) (dc), (dr), and (dt) shall be considered
cumbered and carried-over to subsequent years to meet the state’s share of the
project.
SECTION 674. 20.395 (9) (td) of the statutes is amended to read:

20.395 (9) (td) Real estate major cost carry-over. Subject to s. 86.255, when a highway, airport, or railroad land acquisition project is approved by the secretary under s. 84.09, 85.09, or 114.33, the moneys allocated for the project from subs. (2) (bq), (dq), and (eq) and (3) (bq), (cq), and (eq) may be considered encumbered.

SECTION 675. 20.395 (9) (td) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is repealed and recreated to read:

20.395 (9) (td) Real estate major cost carry-over. Subject to s. 86.255, when a highway, airport, or railroad land acquisition project is approved by the secretary under s. 84.09, 85.09, or 114.33, the moneys allocated for the project from subs. (2) (bq), (dc), (dr), (dt), and (fq) and (3) (bq), (cq), and (eq) may be considered encumbered.

SECTION 676. 20.395 (9) (th) of the statutes is amended to read:

20.395 (9) (th) Temporary funding of projects financed by revenue bonds. A sum sufficient to provide initial, temporary funding for any project to be financed under s. 84.59 which that is a major highway project enumerated under s. 84.013 (3) or, a project under s. 84.01 (28) approved under s. 13.48 (10) or authorized under s. 84.01 (30), or the Marquette interchange reconstruction project under s. 84.014. The department shall keep a separate account of expenditures under this paragraph for each such project. As soon as moneys become available from the proceeds of the obligation issued under s. 84.59 to finance that project, an amount equal to the amounts expended under this paragraph shall be paid from those proceeds into the transportation fund and credited to the appropriation account under sub. (3) (br) or (cs) or (4) (at).

SECTION 677. 20.410 (1) (cm) of the statutes is repealed.

SECTION 678. 20.410 (1) (f) of the statutes is amended to read:
20.410 (1) (f) Energy costs. The amounts in the schedule to be used at state correctional institutions to pay for utilities and for fuel, heat and air conditioning, and to pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the department under s. 16.847 (6).

SECTION 679. 20.410 (1) (fm) of the statutes is repealed.

SECTION 680. 20.410 (1) (gr) of the statutes is amended to read:

20.410 (1) (gr) Home detention services. The amounts in the schedule to obtain, install, operate, and monitor electronic equipment for the home detention program under s. 302.425. All moneys received under s. 302.425 (3m) or (4) shall be credited to this appropriation. On June 30, 1992, June 30, 1993, and June 30, 1994, one-third of the amount expended in fiscal year 1990–91 from the appropriation under par. (cm) shall lapse to the general fund.

SECTION 681. 20.410 (1) (j) of the statutes is repealed.

SECTION 682. 20.410 (1) (jz) of the statutes is created to read:

20.410 (1) (jz) Operations and maintenance. All moneys received by the department from fees paid by employees of the department and by vendors, to provide administrative services.

SECTION 683. 20.410 (3) (bb) of the statutes is repealed.

SECTION 684. 20.410 (3) (d) of the statutes is repealed.

SECTION 685. 20.410 (3) (kj) of the statutes is repealed.

SECTION 686. 20.410 (3) (kp) of the statutes is repealed.

SECTION 687. 20.410 (3) (o) of the statutes is repealed.

SECTION 688. 20.432 (1) (k) of the statutes is amended to read:
20.432 (1) (k) Contracts with other state agencies. The amounts in the schedule for activities of the board on aging and long-term care under s. 16.009. All moneys received by the board on aging and long-term care from contracts with other state agencies shall be credited to this appropriation, for the purposes for which they are received.

SECTION 689. 20.433 (1) (b) of the statutes is repealed.

SECTION 690. 20.433 (1) (i) of the statutes is amended to read:

20.433 (1) (i) Gifts and grants. All moneys received as contributions, gifts, grants, and bequests, other than moneys received for the children’s trust fund and deposited in the appropriation account under pars. par. (q) and (r), to carry out the purposes for which made and received.

SECTION 691. 20.433 (1) (q) of the statutes is amended to read:

20.433 (1) (q) Children’s trust fund, gifts and grants. From the children’s trust fund, all moneys received as contributions, grants, gifts, and bequests for that trust fund under s. 48.982 (2) (d) or (2e) (a), other than 50% of the moneys received under s. 341.14 (6r) (b) 6., and all interest earned on the moneys received under s. 341.14 (6r) (b) 6., less the amounts appropriated under par. (r), to carry out the purposes for which made and received under s. 48.982 (2m) (a).

SECTION 692. 20.433 (1) (r) of the statutes is repealed.

SECTION 693. 20.434 (1) (a) of the statutes is amended to read:

20.434 (1) (a) General program operations. The amounts in the schedule for the general program operations of the adolescent pregnancy prevention and pregnancy services board under s. 46.93 (3) and 1995 Wisconsin Act 27, section 9102 (1z).

SECTION 694. 20.434 (1) (g) of the statutes is created to read:
20.434 (1) (g) Adolescent pregnancy prevention and intervention conference. All moneys received from gifts, grants, and bequests relating to conferences conducted by the board and all proceeds from those conferences, for payment of the costs of conducting those conferences.

SECTION 695. 20.434 (1) (kp) of the statutes is amended to read:

20.434 (1) (kp) Interagency and intra-agency programs. All moneys received from other state agencies for the administration of the adolescent pregnancy prevention programs and pregnancy services under s. 46.93, the amounts in the schedule for that purpose.

SECTION 696. 20.435 (1) (jb) of the statutes is amended to read:

20.435 (1) (jb) Congenital disorders; operations. From all moneys received under s. 253.13 (2), the amounts in the schedule to be used to administer the program under s. 253.13 and for the costs of consulting with appropriate experts as specified in s. 253.13 (5).

SECTION 697. 20.435 (2) (bj) of the statutes is amended to read:

20.435 (2) (bj) Conditional Competency examinations and conditional and supervised release treatment and services. Biennially, the amounts in the schedule for competency examinations in a county with a population of 500,000 or more under s. 46.58. and for payment by the department of costs for treatment and services for persons released under s. 980.06 (2) (c), 1997 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (5), for which the department has contracted with county departments under s. 51.42 (3) (aw) 1. d., with other public agencies, or with private agencies to provide the treatment and services.

SECTION 698. 20.435 (2) (f) of the statutes is amended to read:
20.435 (2) (f) *Energy costs.* The amounts in the schedule to be used at mental health institutes and centers for the developmentally disabled to pay for utilities and for fuel, heat and air conditioning, and to pay costs incurred by or on behalf of the department under ss.16.858 and 16.895, and to repay to the energy efficiency fund loans made to the department under s. 16.847 (6).

**SECTION 699.** 20.435 (2) (g) of the statutes is created to read:

20.435 (2) (g) *Alternative services of institutes and centers.* The amounts in the schedule to provide services under ss. 46.043 and 51.06 (1r). All moneys received as payments for services under ss. 46.043 and 51.06 (1r) shall be credited to this appropriation account.

**SECTION 700.** 20.435 (2) (gk) of the statutes is amended to read:

20.435 (2) (gk) *Institutional operations and charges.* The amounts in the schedule for care, other than under s. 51.06 (1r), provided by the centers for the developmentally disabled, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s. 46.043, provided by the mental health institutes, to reimburse the cost of providing the services and to remit any credit balances to county departments that occur on and after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of state-owned housing at centers for the developmentally disabled and mental health institutes; for repair or replacement of property damaged at the mental health institutes or at centers for the developmentally disabled; and for reimbursing the total cost of using, producing and providing services, products and care. All moneys received as payments from medical assistance on and after August 1, 1978; as payments from all other sources including other payments under s. 46.10 and
payments under s. 51.437 (4) (c) received on and after July 1, 1978; as medical assistance payments, other payments under s. 46.10 and payments under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments under s. 46.043; as payments for the rental of state-owned housing and other institutional facilities at centers for the developmentally disabled and mental health institutes; for the sale of electricity, steam or chilled water; as payments in restitution of property damaged at the mental health institutes or at centers for the developmentally disabled; for the sale of surplus property, including vehicles, at the mental health institutes or at centers for the developmentally disabled; and for other services, products and care shall be credited to this appropriation, except that any payment under s. 46.10 received for the care or treatment of patients admitted under s. 51.10, 51.15 or 51.20 for which the state is liable under s. 51.05 (3), of patients admitted under s. 55.06 (9) (d) or (e) for which the state is liable under s. 55.05 (1), of forensic patients committed under ch. 971 or 975, admitted under ch. 975 or transferred under s. 51.35 (3) or of patients transferred from a state prison under s. 51.37 (5), to Mendota mental health institute or Winnebago mental health institute shall be treated as general purpose revenue — earned, as defined under s. 20.001 (4).

SECTION 701. 20.435 (3) (db) of the statutes is repealed.

SECTION 702. 20.435 (3) (j) of the statutes is created to read:

20.435 (3) (j) Statewide automated child welfare information system receipts.

All moneys received from counties under s. 46.45 (2) (a), for the costs of implementing the statewide automated child welfare information system established under s. 46.03 (7) (g).

SECTION 703. 20.435 (3) (jj) of the statutes is amended to read:
20.435 (3) (jj) Searches for birth parents and adoption record information; foreign adoptions. The amounts in the schedule for paying the cost of searches for birth parents under ss. 48.432 (4) and 48.433 (6) and for paying the costs of reviewing, certifying, and approving foreign adoption documents under s. 48.838 (2) and (3). All moneys received as fees paid by persons requesting a search under s. 48.432 (3) (c) or (4), 48.433 (6) or 48.93 (1r) and paid by persons for the review, certification, and approval of foreign adoption documents under s. 48.838 (2) and (3) shall be credited to this appropriation account.

SECTION 704. 20.435 (3) (kw) of the statutes is amended to read:

20.435 (3) (kw) Interagency and intra-agency aids; Milwaukee child welfare services. The amounts in the schedule for providing services to children and families under s. 48.48 (17). All moneys received from other state agencies and all moneys received by the department from the department for providing services to children and families under s. 48.48 (17), for such purposes shall be credited to this appropriation account.

SECTION 705. 20.435 (4) (a) of the statutes is amended to read:

20.435 (4) (a) General program operations. The amounts in the schedule for general program operations, including health care financing regulation, administration, and field services and medical assistance eligibility determinations under s. 49.45 (2) (a) 3.

SECTION 706. 20.435 (4) (bm) of the statutes is amended to read:

20.435 (4) (bm) Medical assistance administration; contract costs, insurer reports, and resource centers. Biennially, the amounts in the schedule to provide the state share of administrative contract costs for the medical assistance program under ss. 49.45 and 49.665, other than payments to counties under s. 49.33 (8), to
reimburse insurers for their costs under s. 49.475, for costs associated with outreach
activities, and for services of resource centers under s. 46.283. No state positions may
be funded in the department of health and family services from this appropriation,
except positions for the performance of duties under a contract in effect before
January 1, 1987, related to the administration of the medical assistance program
between the subunit of the department primarily responsible for administering the
medical assistance program and another subunit of the department. Total
administrative funding authorized for the program under s. 49.665 may not exceed
10% of the amounts budgeted under pars. (bc) and (p).

SECTION 707. 20.435 (4) (bn) of the statutes is created to read:

20.435 (4) (bn) Medical assistance administration; payments to counties.
Biennially, the amounts in the schedule for payments to counties under s. 49.33 (8)
relating to the administration of the medical assistance program.

SECTION 708. 20.435 (4) (gm) of the statutes is amended to read:

20.435 (4) (gm) Health services regulation and vital statistics. The amounts in
the schedule for the purposes specified in chs. 69 and 150. All moneys received under
ch. 69 and s. 150.13 shall be credited to this appropriation account. From the fees
collected under s. 50.135 (2), $247,000 $310,100 in fiscal year 1999–2000 2001–02
and $297,200 $309,300 in fiscal year 2000–01 2002–03 shall be credited to this
appropriation account.

SECTION 709. 20.435 (4) (iL) of the statutes is created to read:

20.435 (4) (iL) Medical assistance provider fees. All moneys received from fees
charged under s. 49.45 (2) (b) 9., for performance by the department of audits and
investigations under s. 49.45 (3) (g).

SECTION 710. 20.435 (4) (im) of the statutes is amended to read:
20.435 (4) (im) Medical assistance; recovery of correct payments. All moneys received from the recovery of correct medical assistance payments under ss. 49.496 and 867.035 and rules promulgated under s. 46.286 (7), for payments to counties and tribal governing bodies under s. 49.496 (4), for payment of claims under s. 867.035 (3), for payments to the federal government for its share of medical assistance benefits recovered and for the state share of medical assistance benefits provided under subch. IV of ch. 49 as provided in ss. 49.496 (5) and 867.035 (4), and for the state share of medical assistance benefits provided under s. 46.284 (5).

SECTION 711. 20.435 (4) (in) of the statutes is amended to read:

20.435 (4) (in) Community options program; family care; recovery of costs of care recovery administration. From the moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035 and under rules promulgated under s. 46.286 (7) for enrollees who are ineligible for medical assistance, the amounts in the schedule for administration of the recovery of costs of the care.

SECTION 712. 20.435 (4) (jd) of the statutes is created to read:

20.435 (4) (jd) Prescription drug assistance project; enrollment fees. All moneys received from payment of enrollment fees under s. 49.477 (4) (a), to be used for administration of the program under s. 49.477. This paragraph applies only if s. 49.477 (7) (a) applies and if s. 49.477 (7) (b) does not apply.

SECTION 713. 20.435 (4) (kb) of the statutes is amended to read:

20.435 (4) (kb) Relief block grants to tribal governing bodies. The amounts in the schedule for relief block grants under s. 49.029 to tribal governing bodies. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
unencumbered balance on June 30 of each year shall revert to the appropriation
account under s. 20.505 (8) (hm).

SECTION 714. 20.435 (4) (nn) of the statutes is created to read:

20.435 (4) (nn) Federal aid; payments to counties for medical assistance
administration. All moneys received from the federal government for the costs of
contracting for the administration of the medical assistance program, other than
moneys received under par. (pa), for payments to counties under s. 49.33 (8) relating
to the administration of the medical assistance program.

SECTION 715. 20.435 (4) (o) of the statutes is amended to read:

20.435 (4) (o) Federal aid; medical assistance. All federal moneys received for
meeting costs of medical assistance administered under ss. 46.284 (5), 49.45 and
49.665, to be used for those purposes and for transfer to the medical assistance trust
fund, for those purposes.

SECTION 716. 20.435 (4) (pa) of the statutes is amended to read:

20.435 (4) (pa) Federal aid; medical assistance contracts administration. All
federal moneys received for the federal share of the cost of contracting for payment
and services administration and reporting, other than moneys received under par.
(nn), to reimburse insurers for their costs under s. 49.475 and for services of resource
centers under s. 46.283.

SECTION 717. 20.435 (4) (w) of the statutes is created to read:

20.435 (4) (w) Medical assistance trust fund. From the medical assistance trust
fund, all moneys received for meeting costs of medical assistance administered under
ss. 46.27, 46.275 (5), 46.278 (6), 46.283 (5), 46.284 (5), 49.45, 49.472 (6), and 49.665
and for administrative costs associated with augmenting the amount of federal
moneys received under 42 CFR 433.51.
SECTION 718. 20.435 (5) (am) of the statutes is amended to read:

20.435 (5) (am) Services, reimbursement and payment related to acquired human immunodeficiency syndrome virus. The amounts in the schedule for the purchase of services under s. 252.12 (2) (a) for individuals with respect to acquired human immunodeficiency syndrome virus and related infections, including hepatitis C virus infection, to subsidize premium payments under ss. 252.16 and 252.17, for HIV prevention grants for the prevention of human immunodeficiency virus infection and related infections, including hepatitis C virus infection, under s. 252.12 (2) (c) 2., 3., and to reimburse or supplement the reimbursement of the cost of AZT, pentamidine and certain other drugs under s. 49.686.

SECTION 719. 20.435 (5) (cb) of the statutes is amended to read:

20.435 (5) (cb) Women’s health services. The amounts in the schedule for health screening for low-income women under s. 255.075 (1), for the development and provision of media announcements and educational materials under s. 255.075 (2), for conduct of a women’s health campaign under 1997 Wisconsin Act 27, section 9123 (6) (a) and for women’s health projects under 1997 Wisconsin Act 27, section 9123 (6) (b) and (6m).

SECTION 720. 20.435 (5) (cm) of the statutes is amended to read:

20.435 (5) (cm) Immunization. A sum sufficient not to exceed in fiscal year 1999–2000 2001–02 the difference between $9,000,000 and the sum of the moneys received from the federal government under the federal vaccines for children program and under section 317 of the Public Health Service Act in fiscal year 1999–2000 2001–02 and not to exceed in fiscal year 2000–01 2002–03 the difference between $9,000,000 and the sum of the moneys received from the federal government under the federal vaccines for children program and under section 317 of the Public
Health Service Act in fiscal year 2000–01 2002–03 for the provision of vaccine to
immunize children under s. 252.04 (1).

**SECTION 721.** 20.435 (5) (ke) of the statutes is amended to read:

20.435 (5) (ke) *Cooperative American Indian health projects.* The amounts in
the schedule for grants for cooperative American Indian health projects under s.
146.19. All moneys transferred from the appropriation account under s. 20.505 (8)
(hm) 18b. shall be credited to this appropriation account. **Notwithstanding s. 20.001**
(3) (a), the unencumbered balance on June 30 of each year shall revert to the
appropriation account under s. 20.505 (8) (hm).

**SECTION 722.** 20.435 (6) (gg) of the statutes is repealed.

**SECTION 723.** 20.435 (6) (hx) of the statutes is amended to read:

20.435 (6) (hx) *Services related to drivers, receipts.* The amounts in the
schedule for services related to drivers. All moneys received by the state treasurer
from the driver improvement surcharge on court fines and forfeitures authorized
under s. 346.655 and all moneys transferred from the appropriation account under
s. 20.395 (5) (di) shall be credited to this appropriation. **The secretary of**
administration shall annually transfer to the appropriation account under s. 20.395
(5) (ek) 3.76% of all moneys credited to this appropriation from the driver
improvement surcharge. Any unencumbered moneys in this appropriation account
may be transferred to sub. (7) (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5)
(ci) and, (di) and (ek), and 20.455 (5) (h) by the secretary of administration after
consultation with the secretaries of health and family services and transportation,
the superintendent of public instruction, the attorney general and the president of
the University of Wisconsin System.

**SECTION 724.** 20.435 (7) (b) of the statutes is amended to read:
20.435 (7) (b) *Community aids.* The amounts in the schedule for human services under s. 46.40, to fund services provided by resource centers under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5), for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster care and, treatment foster care, and subsidized guardianship care under ss. 46.261 and 49.19 (10). Social services disbursements under s. 46.03 (20) (b) may be made from this appropriation. Refunds received relating to payments made under s. 46.03 (20) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of health and family services may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15) from prior year audit adjustments including those resulting from audits of services under s. 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all funds allocated under s. 46.40 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

**SECTION 725.** 20.435 (7) (bc) of the statutes is amended to read:

20.435 (7) (bc) *Grants for community programs.* The amounts in the schedule for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department of health and family services may credit or deposit into this appropriation funds for
the purpose specified in s. 46.48 (13) that the department transfers from the
appropriation under par. (bL) that are allocated by the department under that
appropriation but unexpended or unencumbered on June 30 of each year. Except for
amounts authorized to be carried forward under s. 46.48 and as otherwise provided
in this paragraph, all funds allocated but not encumbered by December 31 of each
year lapse to the general fund on the next January 1 unless carried forward to the
next calendar year by the joint committee on finance. Notwithstanding ss. 20.001
(3) (b) (a) and 20.002 (1), there is transferred at the end of the 1999–2000 fiscal year
the department shall transfer from this appropriation account to the appropriation
account for the department of workforce development under s. 20.445 (3) (dz) the
difference between $5,000,000 and the amounts that are expendable and
encumbered under 1999 Wisconsin Act 9, section 9223 (3c) funds allocated by the
department under s. 46.48 (30) but unexpended on June 30 of each year.

SECTION 726. 20.435 (7) (bd) of the statutes is amended to read:

20.435 (7) (bd) Community options program; pilot projects; family care benefit.
The amounts in the schedule for preadmission consultations, assessments, case
planning, services, administration and risk reserve escrow accounts under s. 46.27,
for pilot projects under s. 46.271 (1), to fund services provided by resource centers
under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5) and
for the payment of premiums under s. 49.472 (5). If the department transfers funds
to this appropriation from the appropriation account under sub. (4) (b), the amounts
in the schedule for the fiscal year for which the transfer is made are increased by the
amount of the transfer for the purposes specified in s. 49.45 (6v). Notwithstanding
ss. 20.001 (3) (a) and 20.002 (1), the department may under this paragraph transfer
moneys between fiscal years. Except for moneys authorized for transfer under this
appropriation or under s. 46.27 (7) (fm) or (g), all moneys under this appropriation
that are allocated under s. 46.27 and are not spent or encumbered by counties or by
the department by December 31 of each year shall lapse to the general fund on the
succeeding January 1 unless transferred to the next calendar year by the joint
committee on finance.

SECTION 727. 20.435 (7) (im) of the statutes is amended to read:

20.435 (7) (im) Community options program; family care benefit; recovery of
costs. From the moneys received from the recovery of costs of care under ss. 46.27
(7g) and 867.035 and under rules promulgated under s. 46.286 (7) for enrollees who
are ineligible for medical assistance, all moneys not appropriated under sub. (4) (in),
for payments to county departments and aging units under s. 46.27 (7g) (d),
payments to care management organizations for provision of the family care benefit
under s. 46.284 (5), payment of claims under s. 867.035 (3) and payments for
long-term community support services funded under s. 46.27 (7) as provided in ss.
46.27 (7g) (e) and 867.035 (4m).

SECTION 728. 20.435 (7) (kg) of the statutes is amended to read:

20.435 (7) (kg) Compulsive gambling awareness campaigns. The amounts in
the schedule for the purpose of awarding grants under s. 46.03 (43). All moneys
transferred from s. 20.505 (8) (hm) 1. shall be credited to this appropriation account.
Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 729. 20.435 (7) (kL) of the statutes is amended to read:

20.435 (7) (kL) Indian aids. The amounts in the schedule to facilitate delivery
of social services and mental hygiene services to American Indians under s. 46.70.
All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18c.
shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
unencumbered balance on June 30 of each year shall revert to the appropriation
account under s. 20.505 (8) (hm).

SECTION 730. 20.435 (7) (km) of the statutes is amended to read:

20.435 (7) (km) Indian drug abuse prevention and education. The amounts in
the schedule for the American Indian drug abuse prevention and education program
under s. 46.71. All moneys transferred from the appropriation account under s.
20.505 (8) (hm) 18d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 731. 20.435 (7) (kn) of the statutes is amended to read:

20.435 (7) (kn) Elderly nutrition; home-delivered and congregate meals. The
amounts in the schedule for home-delivered and congregate meals under the state
supplement to the federal congregate nutrition projects under s. 46.80 (5) (a). All
moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18dm.
shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the
unencumbered balance on June 30 of each year shall revert to the appropriation
account s. 20.505 (8) (hm).

SECTION 732. 20.435 (7) (kw) of the statutes is amended to read:

20.435 (7) (kw) Interagency community aids. The amounts in the schedule for
human services under s. 46.40, for reimbursement to counties having a population
of less than 500,000 for the cost of court attached intake services under s. 48.06 (4),
for shelter care under ss. 48.58 and 938.22, for foster care and, treatment foster care,
and subsidized guardianship care under s. ss. 46.261 and 49.19 (10), and for mental
health services under s. 51.423 (1). All moneys transferred from the appropriation
account under s. 20.445 (3) (md) for those purposes shall be credited to this
appropriation account.

**SECTION 733.** 20.445 (1) (cm) of the statutes is repealed.

**SECTION 734.** 20.445 (1) (j) of the statutes is created to read:

20.445 (1) (j) **Work permit system and fees.** All moneys received from fees
collected under s. 103.805 (1), to be used for the expenses of providing an automated
work permit system and for other operational expenses of the division of equal rights
in the department.

**SECTION 735.** 20.445 (1) (jr) of the statutes is repealed.

**SECTION 736.** 20.445 (1) (km) of the statutes is repealed.

**SECTION 737.** 20.445 (3) (dz) of the statutes is amended to read:

20.445 (3) (dz) **Wisconsin works and other public assistance administration and
benefits.** The amounts in the schedule, less the amounts withheld under s. 49.143
(3), for administration and benefit payments under Wisconsin works under ss.
49.141 to 49.161, the learnfare program under s. 49.26, the work experience and job
search program under s. 49.36, and the food stamp program under s. 49.124; for
payment distribution payments to counties under s. 49.33 (8) for county
administration of public assistance benefits and medical assistance eligibility
determination and for payments to American Indian tribes for administration of
public assistance programs; to provide state aid for county administered public
assistance programs for which reimbursement is provided under s. 49.33 (9) for
hospital paternity incentive payments under s. 69.14 (1) (cm); and for funeral
expenses under s. 49.30. Payments may be made from this appropriation to counties
for fraud investigation and error reduction under s. 49.197 (1m) and (4). Moneys
appropriated under this paragraph may be used to match federal funds received
under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health and family services shall credit or deposit into this appropriation account funds for the purposes of this appropriation that the department transfers from the appropriation account under s. 20.435 (7) (bc). All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

**SECTION 738.** 20.445 (3) (ja) of the statutes is amended to read:

20.445 (3) (ja) Child support state operations — fees. All moneys received from fees charged under s. 49.22 (8), from fees ordered or otherwise owed under s. 767.29 (1) (d), from fees collected under s. 767.29 (1) (dm) 1m. and, from fees charged and incentive payments and collections retained under s. 49.22 (7m), and from the department of revenue under s. 49.855 that were withheld for unpaid fees ordered or otherwise owed under s. 767.29 (1) (d), for costs associated with receiving and disbursing support and support-related payments, including any contract costs, and for administering the program under s. 49.22 and all other purposes specified in s. 49.22.

**SECTION 739.** 20.445 (3) (kp) of the statutes is amended to read:

20.445 (3) (kp) Delinquent support and, maintenance, and fee payments. All moneys received from the department of revenue and the department of administration under s. 49.855 that were withheld for child support, family support, maintenance, medical expenses, or birth expenses, to be distributed in accordance with state law and federal regulations, and that were withheld for unpaid fees
ordered or otherwise owed under s. 767.29 (1) (d), for costs associated with receiving
and disbursing support and support-related payments, including any contract costs.

SECTION 740. 20.445 (3) (L) of the statutes is amended to read:

   20.445 (3) (L) Welfare fraud and error reduction; state operations. From the
   moneys received as the state’s share of the recovery of overpayments and incorrect
   payments under s. 49.191 (3) (c), 1997 stats., s. 49.195, 1997 stats., and ss. 49.125 (2),
   and 49.497 (1), the amounts in the schedule for the department’s activities to reduce
   error and fraud in the food stamp, aid to families with dependent children, Wisconsin
   works program and medical assistance programs under s. 49.197.

SECTION 741. 20.445 (3) (mc) of the statutes is amended to read:

   20.445 (3) (mc) Federal block grant operations. The As a continuing
   appropriation, the amounts in the schedule, less the amounts withheld under s. 49.143 (3), for the purposes of operating and administering the block grant programs for which the block grant moneys are received and transferring moneys to the appropriation accounts under ss. 20.435 (3) (kx), and (6) (kx) and (8) (kx) and 20.525 (1) (kb) and (kf). All block grant moneys received for these purposes from the federal government or any of its agencies for the state administration of federal block grants shall be credited to this appropriation account.

SECTION 742. 20.445 (3) (mc) of the statutes, as affected by 1999 Wisconsin Act 9, section 474ac, is amended to read:

   20.445 (3) (mc) Federal block grant operations. The As a continuing
   appropriation, the amounts in the schedule, less the amounts withheld under s. 49.143 (3), for the purposes of operating and administering the block grant programs for which the block grant moneys are received and transferring moneys to the appropriation accounts under ss. 20.435 (3) (kx), and (6) (kx) and (8) (kx) and 20.525
(1) (kb) and (kf). All block grant moneys received for these purposes from the federal government or any of its agencies for the state administration of federal block grants shall be credited to this appropriation account.

SECTION 743. 20.445 (3) (md) of the statutes is amended to read:

20.445 (3) (md) Federal block grant aids. The As a continuing appropriation, the amounts in the schedule, less the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and to be transferred to the appropriation accounts under sub. (7) (kc) and ss. 20.255 (2) (kh) and (kp), 20.433 (1) (k), 20.434 (1) (kp) and (ky), 20.435 (3) (kc), (kd), (km)² and (ky), (5) (ky), (7) (kw) and (ky)² and (8) (kx), 20.465 (4) (k)² and 20.835 (2) (kf). All block grant moneys received for these purposes from the federal government or any of its agencies and all moneys recovered under s. 49.143 (3) shall be credited to this appropriation account.

SECTION 744. 20.445 (3) (qm) of the statutes is created to read:

20.445 (3) (qm) Child support state operations and reimbursement for claims and expenses; unclaimed payments. From the support collections trust fund, a sum sufficient equal to the amounts credited under s. 20.912 (1) to the support collections trust fund and the amounts not distributable under par. (r) for administering the program under s. 49.22 and all other purposes specified in s. 49.22 and for reimbursing the state treasurer under s. 177.265.

SECTION 745. 20.445 (3) (r) of the statutes is amended to read:

20.445 (3) (r) Support receipt and disbursement program; payments. From the support collections trust fund, except as provided in par. (qm), all moneys received under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys received under ss. 767.265 and 767.29 for child or family support, maintenance, spousal support, health care expenses, or birth expenses, and all other moneys
received under judgments or orders in actions affecting the family, as defined in s. 767.02 (1), and all moneys received from the department of revenue under s. 49.855 that were withheld for delinquent child support, family support, or maintenance or outstanding court-ordered amounts for past support, medical expenses, or birth expenses, for disbursement to the persons for whom the payments are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm), for transfer to the appropriation account under par. (k). Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 746. 20.445 (5) (kg) of the statutes is amended to read:

20.445 (5) (kg) Vocational rehabilitation services for tribes. The amounts in the schedule for vocational rehabilitation services under ch. 47 for Native American individuals and federally recognized American Indian tribes or bands. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18e. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 747. 20.445 (5) (na) of the statutes is amended to read:

20.445 (5) (na) Federal program aids. All federal moneys received for the purchase of goods and services under ch. 47 and for the purchase of vocational rehabilitation programs for individuals or organizations. The department shall, in each state fiscal year, transfer to s. 20.435 (7) (kc) up to $200,000 $300,000.

SECTION 748. 20.445 (6) (title) of the statutes is amended to read:


SECTION 749. 20.445 (6) (b) of the statutes is amended to read:
20.445 (6) (b) General enrollee operations. Biennially, the amounts in the schedule for general program operations of the Wisconsin conservation corps board and the Wisconsin service corps.

SECTION 750. 20.445 (6) (bm) of the statutes is repealed.

SECTION 751. 20.445 (6) (c) of the statutes is renumbered 20.445 (6) (a) and amended to read:

20.445 (6) (a) Administrative support; general program operations. The amounts in the schedule for general program operations for the Wisconsin conservation corps board relating to the community service and volunteerism programs administered by the department.

SECTION 752. 20.445 (6) (j) of the statutes is amended to read:

20.445 (6) (j) General enrollee operations; sponsor contribution. All moneys received under agreements entered into under ss. 106.21 (7) (c) and 106.215 (8) (i) with local units of government and nonprofit organizations, except moneys appropriated under par. (ja), for the payment of the sponsor’s share of costs for Wisconsin conservation corps and Wisconsin service corps projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments, and vouchers.

SECTION 753. 20.445 (6) (ja) of the statutes is amended to read:

20.445 (6) (ja) Administrative support; sponsor contribution. All moneys received under agreements entered into under ss. 106.21 (7) (c) and 106.215 (8) (i) with local units of government and nonprofit organizations, except moneys appropriated under par. (j), for the payment of administrative expenses related to the
Wisconsin conservation corps program and the Wisconsin service corps programs as specified in those agreements.

SECTION 754. 20.445 (6) (jb) of the statutes is amended to read:

20.445 (6) (jb) Gifts and related support. All moneys received from gifts, grants, and bequests received by the Wisconsin conservation corps board, to be expended for the purpose made.

SECTION 755. 20.445 (6) (k) of the statutes is amended to read:

20.445 (6) (k) General enrollee operations; service funds. All moneys received by the department from other state agencies and all moneys received by the department from the department under agreements entered into under ss. 106.21 (7) (c) and 106.215 (8) (i), except moneys appropriated under par. (kb), for the payment of the sponsor’s share of costs for Wisconsin conservation corps and Wisconsin service corps projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments, and vouchers.

SECTION 756. 20.445 (6) (kb) of the statutes is amended to read:

20.445 (6) (kb) Administrative support; service funds Interagency and intra-agency programs. All moneys received by the department from other state agencies and all moneys received by the department from the department under agreements entered into under ss. 106.215 (8) (i), except moneys appropriated under par. (k), for the payment of administrative expenses related to the Wisconsin conservation corps program as specified in those agreements administration of programs or projects for which received.

SECTION 757. 20.445 (6) (m) of the statutes is amended to read:
20.445 (6) (m) General enrollee operations; federal funds Federal aids. All moneys received from the federal government as authorized under s. 16.54 from for federal assistance for Wisconsin conservation corps projects including the payment of any corps enrollee compensation as specified in that assistance and for community service and volunteerism projects administered by the department, all moneys received from the corporation for national and community service under 42 USC 12542 (a) and 12571 (a) as authorized under s. 16.54 for national service program grants, and all moneys received under agreements entered into under s. 106.215 (8) (i) with the federal government, except moneys received from these agreements which are appropriated under par. (n), for the payment of the federal government’s share of costs for Wisconsin conservation corps projects including the payment of any corps enrollee compensation as specified in those agreements. Corps enrollee compensation includes the cost of salaries, benefits, incentive payments and vouchers to be used for the purpose for which received.

SECTION 758. 20.445 (6) (n) of the statutes is amended to read:

20.445 (6) (n) Administrative support; federal funds Federal program operations. All moneys received from the federal government as authorized under s. 16.54 for the payment of administrative expenses general program operations related to the Wisconsin conservation corps program or to the community service and volunteerism programs administered by the department, all moneys received from the corporation for national and community service under 42 USC 12542 (a) and 12571 (a) as authorized under s. 16.54 for general program operations related to the national and community service program, and all moneys received under agreements entered into under s. 106.215 (8) (i) with the federal government, except moneys received from these agreements which are appropriated under par. (m), for
the payment of administrative expenses related to the Wisconsin conservation corps
program as specified in those agreements to be used for the purpose for which
received.

Section 759. 20.445 (6) (w) of the statutes is repealed.

Section 760. 20.445 (7) (ga) of the statutes is created to read:

20.445 (7) (ga) Auxiliary services. All moneys received from fees collected
under s. 106.12 (4), for the delivery of services under s. 106.12 (4).

Section 761. 20.445 (7) (kd) of the statutes is amended to read:

20.445 (7) (kd) Transfer of Indian gaming receipts; work-based learning
programs. The amounts in the schedule for work-based learning programs. All
moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18j.
shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
unencumbered balance on June 30 of each year shall revert to the appropriation
account under s. 20.505 (8) (hm).

Section 762. 20.445 (7) (m) of the statutes is created to read:

20.445 (7) (m) Federal funds. All federal moneys received as authorized under
s. 16.54 for the purposes of the programs administered by the governor’s work-based
learning board, for those purposes.

Section 763. 20.455 (1) (gh) of the statutes is amended to read:

20.455 (1) (gh) Investigation and prosecution. The amounts in the schedule for
the expenses of investigation and prosecution of violations, including attorney fees,
under ss. 49.49 (6), 100.263, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4),
295.19 (3) (b), and 299.97. Ten percent of all moneys received under ss. 49.49 (6),
100.263, 133.16, 281.98, 283.91 (5), 289.96 (3), 292.99, 293.87 (4), 295.19 (3) (b), and
299.97, for the expenses of investigation and prosecution of violations, including
attorney fees, shall be credited to this appropriation account.

SECTION 764. 20.455 (1) (hm) of the statutes is amended to read:

20.455 (1) (hm) Restitution. The amounts in the schedule for the purpose of
providing restitution for victims. All moneys received by the department to provide
restitution to victims when ordered by the court as the result of prosecutions under
s. 49.49 and chs. 100, 133, 281 to 285 and 289 to 299 and under a federal antitrust
law for the purpose of providing restitution to victims of the violation when ordered
by the court under a court order or a settlement agreement shall be credited to this
appropriation account.

SECTION 765. 20.455 (2) (i) of the statutes is amended to read:

20.455 (2) (i) Penalty assessment surcharge Law enforcement training fund
assessment, receipts. The amounts in the schedule for the purposes of s. 165.85 (5)
(b) and for crime laboratory equipment. All moneys received from the penalty law
enforcement training fund assessment surcharge on court fines and forfeitures as
allocated to this appropriation account under s. 757.05 (2) (a) 165.87 (2) shall be
credited to this appropriation account. Moneys may be transferred from this
paragraph to pars. (j), (ja), and (jb) by the secretary of administration for
expenditures based upon determinations by the department of justice.

SECTION 766. 20.455 (2) (j) of the statutes is amended to read:

20.455 (2) (j) Law enforcement training fund, local assistance. The amounts
in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
(b). All moneys transferred from par. (i) for the purpose of this appropriation shall
be credited to this appropriation.

SECTION 767. 20.455 (2) (ja) of the statutes is amended to read:
20.455 (2) (ja) Law enforcement training fund, state operations. The amounts in the schedule to finance state operations associated with the administration of the law enforcement training fund and to finance training for state law enforcement personnel, as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) for the purpose of this appropriation shall be credited to this appropriation.

**SECTION 768.** 20.455 (2) (jb) of the statutes is amended to read:

20.455 (2) (jb) Crime laboratory equipment and supplies. The amounts in the schedule for the maintenance, repair, upgrading, and replacement costs of the laboratory equipment, and for supplies used to maintain, repair, upgrade, and replace that equipment, in the state and regional crime laboratories. All moneys transferred from par. (i) for the purpose of this appropriation shall be credited to this appropriation.

**SECTION 769.** 20.455 (2) (k) of the statutes is amended to read:

20.455 (2) (k) Interagency and intra-agency assistance; investigations. All moneys received from the department or any other state agency regarding anti-drug abuse law enforcement assistance and drug investigations and analysis to carry out the purposes for which received.

**SECTION 770.** 20.455 (2) (kd) of the statutes is amended to read:

20.455 (2) (kd) Drug law enforcement and crime laboratories, and genetic evidence activities. The amounts in the schedule for activities relating to drug law enforcement, drug law violation prosecution assistance, activities of the state and regional crime laboratories, and for transferring to the appropriation account under s. 20.475 (1) (km) the amounts in the schedule under s. 20.475 (1) (km). All moneys transferred from the appropriation account under par. (km) shall be credited to this appropriation account.
SECTION 771. 20.455 (2) (kt) of the statutes is repealed.

SECTION 772. 20.455 (2) (ku) of the statutes is repealed.

SECTION 773. 20.455 (2) (ma) of the statutes is amended to read:

20.455 (2) (ma) Federal aid, drug enforcement. All moneys received from the federal government under subtitle K of title I of P.L. 99–570 for state programs, except as provided under s. 20.505 (6) (pc) (m), as authorized by the governor under s. 16.54, for drug law enforcement programs to work with local law enforcement agencies in a coordinated effort and for operating costs of the crime laboratory in the city of Wausau.

SECTION 774. 20.455 (5) (k) of the statutes is amended to read:

20.455 (5) (k) Interagency and intra-agency assistance; reimbursement to counties. The amounts in the schedule to provide services to state agencies relating to victims and witnesses and to provide reimbursement to counties under s. 950.06 (2). All moneys received from the department or any other state agency for services relating to victims and witnesses shall be credited to this appropriation.

SECTION 775. 20.465 (1) (c) of the statutes is amended to read:

20.465 (1) (c) Public emergencies. A sum sufficient to defray all expenditures of the Wisconsin national guard, the Wisconsin naval militia, or the Wisconsin state defense force when either is called into state service to meet situations arising from war, riot, natural disaster or great public emergency and in preparation for an anticipated call into state service for these emergencies.

SECTION 776. 20.465 (1) (f) of the statutes is amended to read:

20.465 (1) (f) Energy costs. The amounts in the schedule to be used at military buildings under control of the department to pay for utilities and for fuel, heat and air conditioning, and to pay costs incurred by or on behalf of the department under
ss. 16.858 and 16.895, and to repay to the energy efficiency fund loans made to the
department under s. 16.847 (6).

**SECTION 776.** 20.465 (1) (h) of the statutes is amended to read:

20.465 (1) (h) *Intergovernmental services.* The amounts in the schedule to
provide services to local units of government for fire, crash and rescue emergencies
and to provide assistance under s. 166.30. All moneys received from local units of
government for services provided for fire, crash, and rescue emergencies and as
reimbursement from other states and territories for any losses, damages, or
expenses incurred when units or members of the Wisconsin national guard are
activated in state status to provide assistance under s. 166.30 shall be credited to this
appropriation.

**SECTION 777.** 20.465 (3) (a) of the statutes is amended to read:

20.465 (3) (a) *General program operations.* The amounts in the schedule for
the general program operations of the division of emergency management including,
but not limited to, central administrative support services by the department.

**SECTION 779.** 20.465 (3) (dh) of the statutes is repealed.

**SECTION 780.** 20.465 (3) (h) of the statutes is created to read:

20.465 (3) (h) *Interstate emergency assistance.* The amounts in the schedule
to provide assistance under s. 166.30. All moneys received under s. 166.30 (9) as
reimbursement from other states and territories for any losses, damages, or
expenses incurred when the division of emergency management provides assistance
under s. 166.30 shall be credited to this appropriation.

**SECTION 781.** 20.475 (1) (f) of the statutes is amended to read:

20.475 (1) (f) *Firearm prosecution costs; firearm law media campaign.* The
amounts in the schedule to reimburse Milwaukee County for the cost of clerks under
s. 978.13 (1) (d) and the cost of computers under 1999 Wisconsin Act 9, section 9101 (3c) and to reimburse the Milwaukee board of fire and police commissioners for the costs of the media campaign under s. 62.50 (23m).

SECTION 782. 20.475 (1) (i) of the statutes is repealed.

SECTION 783. 20.475 (1) (km) of the statutes is created to read:

20.475 (1) (km) Deoxyribonucleic acid evidence activities. The amounts in the schedule for deoxyribonucleic acid evidence activities. All moneys transferred from s. 20.455 (2) (kd) for the purpose of this appropriation shall be credited to this appropriation account.

SECTION 784. 20.485 (2) (b) of the statutes is repealed.

SECTION 785. 20.485 (2) (c) of the statutes is amended to read:

20.485 (2) (c) Operation of Wisconsin veterans museum. From the general fund, the amounts in the schedule for the operation of the Wisconsin veterans museum under s. 45.01 45.014.

SECTION 786. 20.485 (2) (kg) of the statutes is amended to read:

20.485 (2) (kg) American Indian services coordinator. The amounts in the schedule for an American Indian services veterans benefits coordinator position. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 13g. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 787. 20.485 (2) (km) of the statutes is amended to read:

20.485 (2) (km) American Indian grants. The amounts in the schedule for grants to American Indian tribes and bands under s. 45.35 (14) (h). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 13t. shall be
crediting to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
unencumbered balance on June 30 of each year shall revert to the appropriation
account under s. 20.505 (8) (hm).

**SECTION 787.** 20.485 (2) (m) of the statutes is amended to read:

20.485 (2) (m) **Federal aid projects; veterans training.** All moneys received from
the federal government for specific limited term projects the education and training
of war orphans to be expended for the purposes specified.

**SECTION 788.** 20.485 (2) (s) of the statutes is created to read:

20.485 (2) (s) **Transportation grant.** The amounts in the schedule for a grant
to the Wisconsin department of the Disabled American Veterans under s. 45.353
(3m).

**SECTION 789.** 20.485 (2) (vg) of the statutes is amended to read:

20.485 (2) (vg) **Health care aid grants Grants for eye and dental care.** The
amounts in the schedule for the payment of benefits grants to veterans and their
dependents under s. 45.351 (4j) (2m).

**SECTION 790.** 20.485 (2) (vj) of the statutes is created to read:

20.485 (2) (vj) **Education center grant.** Biennially, the amounts in the schedule
for a grant to the Wisconsin Veterans War Memorial/Milwaukee, Inc., under 2001
Wisconsin Act .... (this act), section 9157 (4).

**SECTION 791.** 20.485 (2) (vj) of the statutes, as created by 2001 Wisconsin Act
.... (this act), is repealed.

**SECTION 792.** 20.485 (2) (wd) of the statutes is amended to read:

20.485 (2) (wd) **Operation of Wisconsin veterans museum.** The amounts in the
schedule for the operation of the Wisconsin veterans museum under s. 45.01 45.014.

**SECTION 794.** 20.485 (3) (rm) of the statutes is amended to read:
20.485 (3) (rm) Other reserves. As a continuing appropriation from the veterans mortgage loan repayment fund, all moneys deposited and held in the veterans mortgage loan repayment fund to pay costs under s. 45.79 (7) (a) 5., to 8. and 10., for the purposes under s. 45.79 (7) (a) 5. to 8. and 10.

SECTION 795. 20.485 (3) (wd) of the statutes is created to read:

20.485 (3) (wd) Loan-servicing administration. From the veterans mortgage loan repayment fund, the amounts in the schedule for administrative costs of servicing loans under s. 45.79 (5) (a) 10.

SECTION 796. 20.485 (3) (wg) of the statutes is created to read:

20.485 (3) (wg) Escrow payments, recoveries, and refunds. From the veterans mortgage loan repayment fund, all moneys received by the department under s. 45.79 (5) (a) 6. to make payments required of the department under s. 45.79 (5) (a) 6.

SECTION 797. 20.485 (3) (wp) of the statutes is created to read:

20.485 (3) (wp) Loan-servicing rights. Biennially, from the veterans mortgage loan repayment fund, the amounts in the schedule to purchase loan-servicing rights from authorized lenders under s. 45.79 (5) (a) 10.

SECTION 798. 20.485 (5) (m) of the statutes is repealed.

SECTION 799. 20.505 (1) (title) of the statutes, as affected by 1997 Wisconsin Act 27, section 666h, is repealed and recreated to read:

20.505 (1) (title) SUPERVISION AND MANAGEMENT.

SECTION 800. 20.505 (1) (cm) (title) of the statutes is amended to read:

20.505 (1) (cm) (title) Comprehensive planning grants; general purpose revenue.

SECTION 801. 20.505 (1) (dm) of the statutes is created to read:
20.505 (1) (dm) **Sale of tobacco settlement payments.** A sum sufficient to pay the costs incurred by the secretary of administration in any sale of the state's right to receive any of the payments under the tobacco settlement agreement under s. 16.63 (2) and in organizing and initially capitalizing any corporation or company under s. 16.63 (3).

**SECTION 802.** 20.505 (1) (e) of the statutes is repealed.

**SECTION 803.** 20.505 (1) (ie) of the statutes, as affected by 1997 Wisconsin Act 27, section 666p, is repealed and recreated to read:

20.505 (1) (ie) **Land information; proposed incorporations and annexations.**

From the moneys received by the department under s. 59.72 (5) (a), all moneys not appropriated under par. (if) for administration of the land information program under ss. 16.967 and 16.966 (3), for the purpose of providing aids to counties for land information projects under s. 16.967 (7) and for reviews of proposed municipal incorporations and annexations.

**SECTION 804.** 20.505 (1) (if) of the statutes is created to read:

20.505 (1) (if) **Comprehensive planning grants; program revenue.** From the moneys received by the department under s. 59.72 (5) (a), the amounts in the schedule to provide comprehensive planning grants to local governments under s. 16.965 (2).

**SECTION 805.** 20.505 (1) (ig) of the statutes, as affected by 1997 Wisconsin Act 27, section 666q, is repealed.

**SECTION 806.** 20.505 (1) (ij) of the statutes, as affected by 1997 Wisconsin Act 27, section 666r, is repealed.

**SECTION 807.** 20.505 (1) (ik) of the statutes, as affected by 1999 Wisconsin Act 9, section 514, is repealed.
SECTION 808. 20.505 (1) (im) of the statutes is amended to read:

20.505 (1) (im) Services to nonstate governmental units. The amounts in the schedule to provide services and to repurchase inventory items that are provided primarily to purchasers other than state agencies. All moneys received from the sale of services, other than services provided under par. (is), and inventory items which are provided primarily to purchasers other than state agencies shall be credited to this appropriation account.

SECTION 809. 20.505 (1) (is) of the statutes is renumbered 20.530 (1) (is) and amended to read:

20.530 (1) (is) Information technology processing services to General program operations; services to nonstate entities. All moneys received from state authorities, units of the federal government, local governmental units and entities in the private sector for provision of computer services, telecommunications services and supercomputer services under s. 16.973 22.05 (2) (b) and (c) or 22.09 (2) or under s. 44.73 (2) (d), to be used for the purpose of providing those services and for the general program operations of the department.

SECTION 810. 20.505 (1) (iu) of the statutes is amended to read:

20.505 (1) (iu) Plat and proposed incorporation and annexation review. All moneys received from service fees for plat review, and from fees imposed under s. 16.53 (14) for reviews of proposed municipal incorporations and annexations, to be used for the purposes of providing plat review services under s. 70.27 and ch. 236 and conducting reviews of proposed municipal incorporations and annexations.

SECTION 811. 20.505 (1) (j) of the statutes is amended to read:

20.505 (1) (j) Gifts and donations, grants, and bequests. All moneys not otherwise appropriated under this section received from gifts, grants, and bequests
and devises made to the department, any division, or other body attached to or in the
department and to any special or executive committee, to carry out the purposes for
which made and received.

Section 812. 20.505 (1) (ja) of the statutes is repealed.

Section 813. 20.505 (1) (ka) of the statutes, as affected by 1999 Wisconsin Act
9, section 519, is repealed and recreated to read:

20.505 (1) (ka) Materials and services to state agencies and certain districts.
The amounts in the schedule to provide services primarily to state agencies or local
professional baseball park districts created under subch. III of ch. 229, other than
services specified in pars. (im) and (kb) to (ku) and subs. (2) (k) and (5) (ka), and to
repurchase inventory items sold primarily to state agencies or such districts. All
moneys received from the provision of services primarily to state agencies and such
districts and from the sale of inventory items primarily to state agencies and such
districts, other than moneys received and disbursed under pars. (im) and (kb) to (ku)
and subs. (2) (k) and (5) (ka), shall be credited to this appropriation account.

Section 814. 20.505 (1) (kb) of the statutes is amended to read:

20.505 (1) (kb) Transportation, records, and document services. The amounts
in the schedule to provide state vehicle and aircraft fleet, mail transportation,
document sales, and records services and inventory items primarily to state
agencies; to transfer the proceeds of document sales to state agencies publishing
documents; and to provide for the general program operations of the public records
board under s. 16.61. All moneys received from the provision of state vehicle and
aircraft fleet, mail transportation, document sales, and records services and sale of
inventory items primarily to state agencies, from documents sold on behalf of state
agencies, and from services provided to state agencies by the public records board
shall be credited to this appropriation account.

SECTION 815. 20.505 (1) (kd) of the statutes is repealed.

SECTION 816. 20.505 (1) (ke) of the statutes is renumbered 20.530 (1) (ke) and
amended to read:

20.530 (1) (ke) Telecommunications and data processing General program
operations; services to state agencies. The amounts in the schedule to provide state
telecommunications services and data processing oversight and management
services and telecommunications and data processing inventory items primarily to
state agencies and to provide for the initial costs of establishment and operation of
the division of information technology services. All moneys received from the
provision of state information technology processing, mail processing, printing, and
telecommunications and data processing services and sale of telecommunications
and data processing inventory items primarily to state agencies under ss. 22.05 and
22.07 or under s. 44.73 (2) (d), other than moneys received and disbursed under par.
(kL) and s. 20.225 (1) (kb), and all reimbursements of advances received by the
division of information technology services shall be credited to this appropriation
account. All moneys received from the provision of information technology
development and management services to executive branch agencies under s. 22.03,
and all moneys transferred to this appropriation account from any other
appropriation account under s. 22.09 (4), to be used for the purpose of providing those
services and for the general program operations of the department.

SECTION 817. 20.505 (1) (kf) of the statutes is created to read:

20.505 (1) (kf) Procurement services. All moneys received from state agencies
under s. 16.71 (6) for procurement services provided by the department to the
agencies and from assessments for procurement savings realized by the agencies receiving those services, for administration of the department’s procurement functions under subch. IV of ch. 16.

**SECTION 818.** 20.505 (1) (kL) of the statutes is repealed.

**SECTION 819.** 20.505 (1) (kp) of the statutes is renumbered 20.530 (1) (kp) and amended to read:

> 20.530 (1) (kp) Interagency assistance; justice information systems. The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 22.03 (9). All moneys transferred from the appropriation accounts under sub. s. 20.505 (6) (kt) (kp) and (pc) and two-ninths of the moneys received under s. 814.635 (1) shall be credited to this appropriation account.

**SECTION 820.** 20.505 (1) (kq) of the statutes is renumbered 20.530 (1) (kq) and amended to read:

> 20.530 (1) (kq) Justice information systems development, operation and maintenance. The amounts in the schedule for the purpose of developing, operating and maintaining automated justice information systems under s. 16.971 22.03 (9). All moneys transferred from the appropriation account under s. 20.505 (6) (j) 12. shall be credited to this appropriation account.

**SECTION 821.** 20.505 (1) (kr) of the statutes is repealed.

**SECTION 822.** 20.505 (1) (ks) of the statutes, as affected by 1997 Wisconsin Act 27, section 672m, is repealed.

**SECTION 823.** 20.505 (1) (kt) of the statutes is amended to read:

> 20.505 (1) (kt) Soil surveys and mapping; state agency support and Wisconsin land council. All moneys received from state agencies to conduct soil surveys and soil
mapping activities and to support the functions of the Wisconsin land council, to be
used for that purpose.

Section 824. 20.505 (1) (ku) of the statutes is amended to read:

20.505 (1) (ku) Management assistance grants to counties. The amounts in the
schedule for the purpose of providing management assistance grants to counties
under s. 16.18. All moneys transferred from the appropriation account under sub.
(8) (hm) 18h. shall be credited to this appropriation account. Notwithstanding s.
20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
appropriation account under sub. (8) (hm).

Section 825. 20.505 (1) (ma) of the statutes is repealed.

Section 826. 20.505 (1) (mb) of the statutes is amended to read:

20.505 (1) (mb) Federal energy grants and contracts aid. All federal moneys
received under federal energy grants or contracts from the federal government not
otherwise appropriated under this section, as authorized by the governor under s.
16.54, to carry out the purposes for which made received.

Section 827. 20.505 (1) (mc) of the statutes is repealed.

Section 828. 20.505 (1) (n) of the statutes is repealed.

Section 829. 20.505 (1) (q) of the statutes is created to read:

20.505 (1) (q) Stray voltage and electrical wiring assistance. Biennially, from
the farm rewiring fund, the amounts in the schedule for awarding grants under s.
16.956 (1).

Section 830. 20.505 (1) (s) of the statutes is repealed.

Section 831. 20.505 (1) (z) of the statutes is amended to read:

20.505 (1) (z) Transportation planning grants to local governmental units.

Biennially, from the transportation fund, the amounts in the schedule to provide
transportation planning grants to local governmental units under s. 16.9651. All
moneys received from the federal government and transferred from the
appropriation account under s. 20.395 (3) (ix) (4) (ax) shall be credited to this
appropriation account.

Section 832. 20.505 (3) (title) of the statutes is amended to read:

20.505 (3) (title) COMMITTEES AND, INTERSTATE BODIES UTILITY PUBLIC BENEFITS

AND AIR QUALITY IMPROVEMENT

Section 833. 20.505 (3) (a) of the statutes is renumbered 20.505 (4) (ba).

Section 834. 20.505 (3) (b) of the statutes is renumbered 20.505 (4) (ea).

Section 835. 20.505 (3) (c) of the statutes is repealed.

Section 836. 20.505 (3) (g) of the statutes is repealed.

Section 837. 20.505 (3) (h) of the statutes is repealed.

Section 838. 20.505 (3) (m) of the statutes is repealed.

Section 839. 20.505 (4) (title) of the statutes is amended to read:

20.505 (4) (title) ATTACHED DIVISIONS, BOARDS, COUNCILS AND COMMISSIONS AND

OTHER BODIES

Section 840. 20.505 (4) (c) of the statutes is repealed.

Section 841. 20.505 (4) (cw) of the statutes is created to read:

20.505 (4) (cw) Board on education evaluation and accountability. The
amounts in the schedule for general program operations of the board on education
evaluation and accountability.

Section 842. 20.505 (4) (e) of the statutes is renumbered 20.292 (1) (cm) and
amended to read:
SECTION 842. 20.292 (1) (cm) Technical college capacity Capacity building program. The amounts in the schedule for capacity building program grants to technical college district boards under s. 16.004 (14), 38.04 (19).

SECTION 843. 20.505 (4) (gm) of the statutes is repealed.

SECTION 844. 20.505 (4) (h) of the statutes is amended to read:

20.505 (4) (h) Program services. The amounts in the schedule to carry out the responsibilities of divisions, commissions, and boards and commissions attached to the department of administration, other than the board on aging and long-term care, the adolescent pregnancy prevention and pregnancy services board, the board on education evaluation and accountability, and the public records board, and to carry out the responsibilities of special and executive committees. All moneys received from fees which are authorized by law or administrative rule to be collected by any division, board or commission attached to the department, other than the board on aging and long-term care, the adolescent pregnancy prevention and pregnancy services board, and the public records board, and all moneys received from fees that are authorized by law or executive order to be collected by any special or executive committee shall be credited to this appropriation account and used to carry out the purposes for which collected.

SECTION 845. 20.505 (4) (is) of the statutes is renumbered 20.530 (1) (ir) and amended to read:

20.530 (1) (ir) Relay service. The amounts in the schedule for a statewide telecommunications relay service and for general program operations. All moneys received from the assessments authorized under s. 196.858 shall be credited to this appropriation account.

SECTION 846. 20.505 (4) (j) of the statutes is repealed.
SECTION 847. 20.505 (4) (o) of the statutes is repealed.

SECTION 848. 20.505 (4) (p) of the statutes is repealed.

SECTION 849. 20.505 (5) (ka) of the statutes is amended to read:

20.505 (5) (ka) Facility operations and maintenance; police and protection functions. The amounts in the schedule for the purpose of financing the costs of operation of state-owned or operated facilities that are not funded from other appropriations, including custodial and maintenance services; minor projects; utilities, fuel, heat and air conditioning; costs incurred under ss. 16.858 and 16.895 by or on behalf of the department; repayment to the energy efficiency fund loans made to the department under s. 16.847 (6); and supplementing the costs of operation of child care facilities for children of state employees under s. 16.841; and for police and protection functions under s. 16.84 (2) and (3). All moneys received from state agencies for the operation of such facilities, parking rental fees established under s. 16.843 (2) (bm) and miscellaneous other sources, all moneys received from assessments under s. 16.895, all moneys received for the performance of gaming protection functions under s. 16.84 (3), and all moneys transferred from the appropriation account under s. 20.865 (2) (e) for this purpose shall be credited to this appropriation account.

SECTION 850. 20.505 (5) (q) of the statutes is repealed.

SECTION 851. 20.505 (6) (a) of the statutes is amended to read:

20.505 (6) (a) General program operations; youth diversion. The amounts in the schedule for general program operations and for youth diversion services under s. 16.964 (8) (a) and (c).

SECTION 852. 20.505 (6) (j) (intro.) of the statutes is amended to read:
20.505 (6) (j) **Penalty assessment surcharge receipts.** (intro.) All moneys received from the penalty assessment surcharge under s. 757.05 (2) (b) on court fines and forfeitures and all moneys transferred under 1999 Wisconsin Act 9, sections 9201 (2m), (2n) and (2p), 9211 (2g), 9230 (1), (2m) and (3m), 9238 (1h) and 9239 (1h) and (2h), for the purpose of transferring the following amounts to the following appropriation accounts:

**SECTION 853.** 20.505 (6) (j) 8. of the statutes is repealed.

**SECTION 854.** 20.505 (6) (j) 12. of the statutes is amended to read:

20.505 (6) (j) 12. The amount transferred to sub. s. 20.530 (1) (kq) shall be the amount in the schedule under sub. s. 20.530 (1) (kq).

**SECTION 855.** 20.505 (6) (j) 14. of the statutes is repealed.

**SECTION 856.** 20.505 (6) (k) of the statutes is amended to read:

20.505 (6) (k) **Anti-drug Law enforcement program programs — administration; youth diversion.** The amounts in the schedule for the purpose of administering federal grants for law enforcement assistance and for youth diversion services under s. 16.964 (8) (a) and (c). All moneys transferred from the appropriation account under par. (j) 13. shall be credited to this appropriation account.

**SECTION 857.** 20.505 (6) (km) of the statutes is created to read:

20.505 (6) (km) **INTERAGENCY AND INTRA-AGENCY PROGRAMS.** All moneys received from other state agencies and all moneys received by the department from the department, to carry out the purposes for which received.

**SECTION 858.** 20.505 (6) (kp) (title) of the statutes is amended to read:

20.505 (6) (kp) (title) **Anti-drug enforcement program, penalty assessment — state and local.**
SECTION 859. 20.505 (6) (kq) of the statutes is amended to read:

20.505 (6) (kq) County and tribal law enforcement services assistance. The amounts in the schedule to provide grants to counties Indian tribes for law enforcement operations under s. 16.964 (6) and to provide grants to counties for law enforcement services under s. 16.964 (7). All moneys transferred from the appropriation account under sub. (8) (hm) 15d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under sub. (8) (hm).

SECTION 860. 20.505 (6) (ks) of the statutes is repealed.

SECTION 861. 20.505 (6) (kt) of the statutes is repealed.

SECTION 862. 20.505 (6) (m) of the statutes is amended to read:

20.505 (6) (m) Federal aid, planning and administration justice assistance, state operations. All moneys received from the federal government to be allocated to state agencies for planning and administration of programs to improve the administration of criminal justice for state agency operations for justice assistance to carry out the purpose for which received.

SECTION 863. 20.505 (6) (o) of the statutes is repealed.

SECTION 864. 20.505 (6) (p) of the statutes is amended to read:

20.505 (6) (p) Federal aid, criminal justice improvement projects, local assistance and aids. All moneys received from the federal government to be allocated to local governments for project grants to improve the administration of criminal justice.

SECTION 865. 20.505 (6) (pa) of the statutes is repealed.

SECTION 866. 20.505 (6) (pb) of the statutes is repealed.

SECTION 867. 20.505 (6) (pc) of the statutes is repealed.
SECTION 868. 20.505 (7) (b) of the statutes is amended to read:

20.505 (7) (b) **Housing grants and loans.** Biennially, the amounts in the schedule for grants and loans under s. 16.33 and for grants under s. 16.336.

SECTION 869. 20.505 (7) (d) of the statutes is repealed.

SECTION 870. 20.505 (7) (dm) of the statutes is repealed.

SECTION 871. 20.505 (7) (fm) of the statutes is amended to read:

20.505 (7) (fm) **Shelter for homeless and transitional housing grants.** The amounts in the schedule for **transitional housing grants under s. 16.339 and for grants to agencies and shelter facilities for homeless individuals and families as provided under s. 16.352.** Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 872. 20.505 (7) (g) of the statutes is repealed.

SECTION 873. 20.505 (7) (gm) of the statutes is repealed.

SECTION 874. 20.505 (7) (h) of the statutes is amended to read:

20.505 (7) (h) **Interest on real estate trust accounts Funding for the homeless.**

All moneys received from interest on real estate trust accounts under s. 452.13 for grants under s. 16.351, and all moneys received under s. 704.05 (5) (a) 2., for grants to agencies and shelter facilities for homeless individuals and families under s. 16.352 (2) (a) and (b).

SECTION 875. 20.505 (7) (k) of the statutes is repealed.

SECTION 876. 20.505 (7) (kg) of the statutes is amended to read:
20.505 (7) (kg) Housing program materials and services and weatherization assistance. All moneys received from the department or other state agencies from the sale of materials or services related to housing assistance, for the purpose of providing those materials or services; all moneys received from the department or other state agencies for housing program services or the weatherization program under s. 16.39, for that purpose the purposes for which received; and all moneys transferred from the appropriation account under par. (o), for the weatherization program under s. 16.39.

SECTION 877. 20.505 (7) (km) of the statutes is repealed.

SECTION 878. 20.505 (7) (n) of the statutes is repealed.

SECTION 879. 20.505 (7) (o) of the statutes is amended to read:

20.505 (7) (o) Federal aid; individuals and organizations local assistance and aids. All moneys received from the federal government for aids to individuals and organizations related to housing assistance under subch. II of ch. 16, as authorized by the governor under s. 16.54, for the purpose of providing local assistance and aids to individuals and organizations.

SECTION 880. 20.505 (8) (hm) (intro.) of the statutes is amended to read:

20.505 (8) (hm) Indian gaming receipts. (intro.) All moneys received as Indian gaming receipts, as defined in s. 569.01 (1m), and all moneys that revert to this appropriation account from the appropriation accounts specified in subds. 1. to 19., less the amounts appropriated under par. (h) and s. 20.455 (2) (gc), for the purpose of annually transferring the following amounts:

SECTION 881. 20.505 (8) (hm) 4h. of the statutes is amended to read:

20.505 (8) (hm) 4h. The amount transferred to s. 20.245 (2) (1) (km) shall be the amount in the schedule under s. 20.245 (2) (1) (km).
SECTION 882. 20.505 (8) (hm) 6m. of the statutes is repealed.

SECTION 883. 20.505 (8) (hm) 6n. of the statutes is created to read:

20.505 (8) (hm) 6n. The amount transferred to s. 20.143 (1) (kn) shall be the amount in the schedule under s. 20.143 (1) (kn).

SECTION 884. 20.505 (8) (hm) 6o. of the statutes is created to read:

20.505 (8) (hm) 6o. The amount transferred to s. 20.143 (1) (ko) shall be the amount in the schedule under s. 20.143 (1) (ko).

SECTION 885. 20.505 (8) (hm) 6p. of the statutes is created to read:

20.505 (8) (hm) 6p. The amount transferred to s. 20.143 (1) (kp) shall be the amount in the schedule under s. 20.143 (1) (kp).

SECTION 886. 20.505 (8) (hm) 8h. of the statutes is created to read:

20.505 (8) (hm) 8h. The amount transferred to s. 20.370 (1) (ik) shall be the amount in the schedule under s. 20.370 (1) (ik).

SECTION 887. 20.505 (8) (hm) 8m. of the statutes is created to read:

20.505 (8) (hm) 8m. The amount transferred to s. 20.370 (5) (ek) shall be the amount in the schedule under s. 20.370 (5) (ek).

SECTION 888. 20.505 (8) (hm) 15. of the statutes is repealed.

SECTION 889. 20.505 (8) (hm) 15g. of the statutes is repealed.

SECTION 890. 20.505 (8) (hm) 15h. of the statutes is repealed.

SECTION 891. 20.505 (8) (hm) 17m. of the statutes is created to read:

20.505 (8) (hm) 17m. The amount transferred to s. 20.115 (4) (k) shall be the amount in the schedule under s. 20.115 (4) (k).

SECTION 892. 20.505 (8) (hm) 20. of the statutes is created to read:

20.505 (8) (hm) 20. The amount transferred to the environmental fund shall be $500,000 in fiscal year 2001–02 and $2,500,000 in fiscal year 2002–03.
SECTION 893. 20.505 (8) (hm) 21. of the statutes is created to read:

20.505 (8) (hm) 21. The amount transferred to s. 20.395 (3) (ck) shall be the amount in the schedule under s. 20.395 (3) (ck).

SECTION 894. 20.505 (8) (hm) 21. of the statutes, as created by 2001 Wisconsin Act .... (this act), is repealed.

SECTION 895. 20.505 (9) (title) of the statutes is created to read:

20.505 (9) (title) Broadcasting.

SECTION 896. 20.505 (9) (a) of the statutes is created to read:

20.505 (9) (a) Emergency weather warning system operation. The amounts in the schedule to make payments under a contract for the operation of the emergency weather warning system under s. 16.251 (2).

SECTION 897. 20.505 (9) (b) of the statutes is created to read:

20.505 (9) (b) Former educational communications board principal repayment and interest. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs that are not paid under par. (h) and that are incurred in financing the acquisition, construction, development, enlargement, or improvement of facilities approved by the building commission for operation by the educational communications board and to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing this acquisition, construction, development, enlargement or improvement. No moneys may be encumbered under this paragraph unless the secretary of administration first determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation as defined in s. 39.81 (2).
SECTION 898. 20.505 (9) (g) of the statutes is created to read:

20.505 (9) (g) Contract services to broadcasting corporation. All moneys received from the corporation described under s. 39.82 (1) for services provided under a contract entered into under s. 39.86 (5).

SECTION 899. 20.505 (9) (h) of the statutes is created to read:

20.505 (9) (h) Lease payments for educational broadcasting facilities. All lease payments for state-owned educational broadcasting facilities and equipment received from the corporation described under s. 39.82 (1) for the purpose of reimbursing s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement, or improvement of facilities approved by the building commission for operation by the educational communications board.

SECTION 900. 20.505 (9) (k) of the statutes is created to read:

20.505 (9) (k) Public broadcasting corporation grant. All moneys received from the educational communications board under s. 39.86 (3) (c) to be paid as a grant to the broadcasting corporation, as defined in s. 39.81 (2), if the secretary of administration determines under s. 39.87 that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the corporation.

SECTION 901. 20.505 (10) (title) of the statutes is repealed.

SECTION 902. 20.505 (10) (q) of the statutes is renumbered 20.505 (3) (q) and amended to read:

20.505 (3) (q) General program operations; utility public benefits. From the utility public benefits fund, the amounts in the schedule for general program operations under s. 16.957.
SECTION 903. 20.505 (10) (r) and (s) of the statutes are renumbered 20.505 (3) (r) and (s).

SECTION 904. 20.505 (11) (title) of the statutes is repealed.

SECTION 905. 20.505 (11) (r) of the statutes is renumbered 20.505 (3) (rr).

SECTION 906. 20.510 (1) (b) of the statutes is created to read:

20.510 (1) (b) Unpaid municipal election expenses. A sum sufficient equal to the total amount of unpaid reimbursements owing to the board under ss. 6.50 (2s) and 7.08 (7) that are deducted from payments made to municipalities under s. 79.02, as determined on August 1 and December 1 of each year by the department of administration, to be used for the purpose of financing the expenses incurred by the board under ss. 6.50 (2s) and 7.08 (7).

SECTION 907. 20.510 (1) (d) of the statutes is created to read:

20.510 (1) (d) Grants to counties and municipalities. The amounts in the schedule to provide grants to counties and municipalities under s. 5.05 (10) for maintenance of the elector registration list under s. 6.33 (5).

SECTION 908. 20.510 (1) (gm) of the statutes is created to read:

20.510 (1) (gm) Municipal election expenses. All moneys received from municipalities for costs incurred by the board under ss. 6.50 (2s) and 7.08 (7), to be used for the purpose of financing the expenses incurred by the board under those provisions.

SECTION 909. 20.510 (1) (h) of the statutes is amended to read:

20.510 (1) (h) Materials and services. The amounts in the schedule for the cost of publishing documents, locating and copying records and conducting administrative meetings and conferences, and training sessions, and for supplies, postage and shipping. All moneys received by the board from collections for sales of
publications, copies of records and supplies, for postage, for shipping and records
location fees and for charges assessed to participants in administrative meetings
and conferences, and training sessions shall be credited to this appropriation
account.

SECTION 910. 20.512 (1) (i) of the statutes is amended to read:

20.512 (1) (i) Services to nonstate governmental units. The amounts in the
schedule for the purpose of funding personnel services to nonstate governmental
units under s. 230.05 (8), including services provided under ss. 49.33 (5) and s. 59.26
(8) (a). All moneys received from the sale of these services shall be credited to this
appropriation.

SECTION 911. 20.525 (1) (fr) of the statutes is created to read:

20.525 (1) (fr) Children’s cabinet board; grants. The amounts in the schedule
for grants to local consortia under s. 14.25 (3) (a).

SECTION 912. 20.525 (1) (kb) of the statutes is amended to read:

20.525 (1) (kb) Assistance from department of workforce development. All
moneys received from the department of workforce development pursuant to any
arrangement under s. 14.18 to assist the governor in providing temporary assistance
for needy families under 42 USC 601 et. seq.

SECTION 913. 20.525 (1) (kd) of the statutes is created to read:

20.525 (1) (kd) Children’s cabinet board; general program operations. All
moneys received under s. 14.25 (2) (c), for general program operations of the
children’s cabinet board.

SECTION 914. 20.530 of the statutes is created to read:

20.530 Electronic government, department of. There is appropriated to
the department of electronic government for the following program:
(1) INFORMATION TECHNOLOGY MANAGEMENT AND SERVICES. (g) Gifts, grants, and bequests. All moneys received from gifts, grants, and bequests, to be used to carry out the purposes for which made and received.

(it) Electronic communication services; nonstate entities. All moneys received from state authorities, units of the federal government, local governmental units, and entities in the private sector for electronic communications services provided to those entities by the department under s. 22.09 (3), to be used for the purpose of providing those services.

(kf) Electronic communications services; state agencies. All moneys received from state agencies for electronic communications services provided to the agencies by the department under s. 22.09 (3), and all moneys transferred to this appropriation account from any other appropriation account under s. 22.09 (4), to be used for the purpose of providing those services.

(m) Federal aid. All moneys received from the federal government, as authorized by the governor under s. 16.54, to be used for the purposes for which received.

SECTION 915. 20.550 (1) (a) of the statutes is amended to read:

20.550 (1) (a) Program administration. The amounts in the schedule for program administration costs of the office of the state public defender, including the costs of interpreters and of discovery materials and excluding the costs under pars. (e) and (fb).

SECTION 916. 20.550 (1) (f) of the statutes is amended to read:

20.550 (1) (f) Transcript and record payments Transcripts, discovery, and interpreters. The amounts in the schedule for the costs of interpreters and discovery materials and for the compensation of court reporters or clerks of circuit court for
preliminary examination, trial and appeal transcripts, and the payment of related
\footnotesize{costs under s. 967.06.}

\textbf{SECTION 917.} 20.566 (1) (gg) of the statutes is amended to read:

20.566 (1) (gg) \textit{Administration of local taxes.} The amounts in the schedule for
administering the taxes under s. 66.75 66.0615 (1m) (a) and (b) and subchs. VIII and
IX of ch. 77. An amount equal to 2.55\% of all moneys received from the taxes imposed
under s. 66.75 66.0615 (1m) (a) and (b) and subchs. VIII and IX of ch. 77 shall be
credited to this appropriation. \textbf{Notwithstanding s. 20.001 (3) (a), at the end of each}
fiscal year the unencumbered balance in this appropriation account that exceeds
10\% of the expenditures from this appropriation during the fiscal year shall be
transferred to the appropriation account under s. 20.835 (4) (gg).

\textbf{SECTION 918.} 20.566 (3) (c) of the statutes is amended to read:

20.566 (3) (c) \textit{Expert professional services.} The \textbf{Biennially, the amounts in the}
schedule to pay the expenses associated with the employment of accountants,
appraisers, counsel and other special assistants to aid in tax determination, property
valuation, assessment of property, and other functions related to the administration
of state taxes, oversight of local property tax administration, and administration of
property tax relief programs.

\textbf{SECTION 919.} 20.566 (3) (g) of the statutes is amended to read:

20.566 (3) (g) \textit{Services.} The amounts in the schedule to provide services, except
as provided in sub. (2) (h). All moneys received from services rendered by the
department, except as provided in sub. (2) (h), shall be credited to the appropriation.
Insofar as practicable all such services shall be billed at cost. \textbf{The unencumbered}
balance of this appropriation on June 30 of any year shall lapse to the general fund.

\textbf{SECTION 920.} 20.566 (3) (k) of the statutes is amended to read:
20.566 (3) (k) Internal services. The amounts in the schedule to provide internal services to departmental program revenue and segregated revenue funded programs. All moneys received by the department from the department for this purpose shall be credited to this appropriation account.

**Section 921.** 20.585 (2) (am) of the statutes is amended to read:

20.585 (2) (am) Administrative expenses for college savings program; general fund. The amounts in the schedule for the initial administrative expenses of the college savings program under s. 14.64, including the expense of promoting the program.

**Section 922.** 20.585 (2) (q) of the statutes is amended to read:

20.585 (2) (q) Payment of tuition. From the tuition trust fund, a sum sufficient for the payment of tuition under s. 14.63 (5) and (7).

**Section 923.** 20.585 (2) (qr) of the statutes is created to read:

20.585 (2) (qr) College savings program; investments. From the tuition trust fund, all moneys received as contributions under s. 14.64 for investment by the vendor under s. 16.255 (2).

**Section 924.** 20.585 (2) (r) of the statutes is repealed.

**Section 925.** 20.585 (2) (s) of the statutes is amended to read:

20.585 (2) (s) Administrative expenses; tuition trust fund. From the tuition trust fund, the amounts in the schedule for the administrative expenses of the college tuition and expenses program under s. 14.63 and for the ongoing, administrative expenses of the college savings program under s. 14.64, including the expense of promoting the program programs.

**Section 926.** 20.585 (2) (t) of the statutes is created to read:
20.585 (2) (t) College savings program; payment of tuition and refunds. From the tuition trust fund, a sum sufficient for the payment of eligible higher education expenses and refunds under s. 14.64 (2) and (3).

SECTION 927. 20.680 (2) (ga) of the statutes is created to read:

20.680 (2) (ga) Court commissioner training. All moneys received from fees for court commissioner training programs, for those purposes.

SECTION 928. 20.680 (2) (kd) of the statutes is repealed.

SECTION 929. 20.835 (1) (d) of the statutes is amended to read:

20.835 (1) (d) Shared County shared revenue account. A sum sufficient to meet the requirements of the county shared revenue account established under s. 79.01 (2) to provide for the distributions from the shared revenue account to counties, towns, villages and cities under ss. 79.03, 79.04, and 79.06.

SECTION 930. 20.835 (1) (db) of the statutes is created to read:

20.835 (1) (db) Municipal services aid account. A sum sufficient to make the payments to municipalities under ss. 79.04 and 79.065 (2) and to make the payments to municipalities under s. 79.065 (5) that are not paid from s. 20.835 (1) (dd).

SECTION 931. 20.835 (1) (dd) of the statutes is created to read:

20.835 (1) (dd) Municipal growth sharing account. A sum sufficient in the amount determined under s. 79.01 (5) to make the payments to municipalities under s. 79.065 (3) and to make the payments to municipalities under s. 79.065 (5) that are not paid from s. 20.835 (1) (db).

SECTION 932. 20.835 (2) (bm) of the statutes is created to read:

20.835 (2) (bm) Payments of interest on overassessments of manufacturing property. A sum sufficient to make the payments under s. 70.511 (2) (br).

SECTION 933. 20.835 (3) (q) of the statutes is amended to read:
20.835 (3) (q) **Lottery and gaming credit.** From the lottery fund, a sum sufficient to make the payments under s. 79.10 (5) and (6m) (c).

**SECTION 934.** 20.835 (4) (gg) of the statutes is amended to read:

20.835 (4) (gg) **Local taxes.** All moneys received from the taxes imposed under s. 66.0615 (1m) (a) and (b) and subchs. VIII and IX of ch. 77, and from the appropriation account under s. 20.566 (1) (gg), for distribution to the districts under subch. II of ch. 229 that impose those taxes, except that 2.55% of those moneys received from the taxes imposed under s. 66.0615 (1m) (a) and (b) and subchs. VIII and IX of ch. 77 shall be credited to the appropriation account under s. 20.566 (1) (gg).

**SECTION 935.** 20.855 (1) (dm) of the statutes is created to read:

20.855 (1) (dm) **Interest reimbursements to federal government.** A sum sufficient to pay any interest reimbursement to the federal government relating to the timing of transfers of federal grant funds for programs that are funded with moneys from the general fund and that are covered in an agreement between the federal department of the treasury and the state under the federal Cash Management Improvement Act of 1990, as amended.

**SECTION 936.** 20.855 (3) (a) of the statutes is repealed.

**SECTION 937.** 20.855 (4) (f) of the statutes is repealed.

**SECTION 938.** 20.855 (4) (rc) of the statutes is created to read:

20.855 (4) (rc) **Transfer to general fund.** From the permanent endowment fund, the amounts in the schedule to be transferred to the general fund.

**SECTION 939.** 20.855 (4) (rc) of the statutes, as created by 2001 Wisconsin Act .... (this act), is repealed.

**SECTION 940.** 20.855 (4) (rh) of the statutes is created to read:
20.855 (4) (rh) Annual transfer from permanent endowment fund to general fund. From the permanent endowment fund, to be transferred to the general fund, a sum sufficient equal to the amount that is required to be transferred to the general fund under s. 16.519 (2).

SECTION 941. 20.855 (4) (rp) of the statutes is created to read:

20.855 (4) (rp) Transfer to general fund; 2001-02 fiscal year. From the permanent endowment fund, the amounts in the schedule to be transferred to the general fund no later than June 30, 2002, except that the amounts in the schedule shall be reduced by any payments under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, that is received by the state in fiscal year 2001-02.

SECTION 942. 20.855 (4) (rp) of the statutes, as created by 2001 Wisconsin Act .... (this act), is repealed.

SECTION 943. 20.855 (4) (rv) of the statutes is created to read:

20.855 (4) (rv) Transfer to general fund; 2002-03 fiscal year. From the permanent endowment fund, the amounts in the schedule to be transferred to the general fund no later than June 30, 2003, except that the amounts in the schedule shall be reduced by any payments under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, that is received by the state in fiscal year 2002-03.

SECTION 944. 20.855 (4) (rv) of the statutes, as created by 2001 Wisconsin Act .... (this act), is repealed.

SECTION 945. 20.865 (1) (a) of the statutes is amended to read:

20.865 (1) (a) Judgments, worker's compensation, indemnification, and legal expenses. A sum sufficient to pay for legal expenses under s. 59.32 (3), for costs under
ss. 227.485 and 814.245, and for the costs of judgments, orders, and settlements of
actions, appeals, and complaints under subch. II of ch. 111 or subch. II or III of ch.
230, and those judgments, awards, orders, worker's compensation benefits,
indemnification, and settlements under ss. 21.13, 165.25 (6), 166.03 (8) (f), 775.04,
and 895.46 that are not otherwise reimbursable as liability costs under par. (fm).
Release of moneys under this paragraph pursuant to any settlement agreement,
whether or not incorporated into an order, is subject to approval of the attorney
general.

SECTION 946. 20.865 (1) (cb) of the statutes is repealed.

SECTION 947. 20.865 (1) (cc) of the statutes is created to read:

20.865 (1) (cc) Compensation and related adjustments. The amounts in the
schedule to supplement the appropriations to state agencies for the increased cost
incurred during the 2001-03 fiscal biennium of compensation and fringe benefits,
other than health insurance benefits, resulting from pay adjustments with an
effective date after July 2, 2000, and before July 1, 2001.

SECTION 948. 20.865 (1) (cc) of the statutes, as created by 2001 Wisconsin Act
.... (this act), is repealed.

SECTION 949. 20.865 (1) (em) of the statutes is amended to read:

20.865 (1) (em) Financial and procurement services. The amounts in the
schedule to supplement the general purpose revenue appropriations of state
agencies for charges assessed by the department of administration under ss. 16.53
(13) and 16.71 (6) for financial and procurement services performed on behalf of the
agencies under s. 16.53 (13), except charges for procurement savings identified
under s. 16.71 (6).

SECTION 950. 20.865 (1) (ib) of the statutes is repealed.
SECTION 951. 20.865 (1) (id) of the statutes is created to read:

20.865 (1) (id) Compensation and related adjustments; nonfederal program revenues. From the appropriate program revenue and program revenue-service accounts, a sum sufficient to supplement the appropriations to state agencies for the increased cost incurred during the 2001–03 fiscal biennium of compensation and fringe benefits, other than health insurance benefits, resulting from pay adjustments with an effective date after July 2, 2000, and before July 1, 2001.

SECTION 952. 20.865 (1) (id) of the statutes, as created by 2001 Wisconsin Act .... (this act), is repealed.

SECTION 953. 20.865 (1) (js) of the statutes is amended to read:

20.865 (1) (js) Financial and procurement services; program revenues. From the appropriate program revenue and program revenue-service appropriations, a sum sufficient to supplement the program revenue appropriations to state agencies for charges assessed by the department of administration under ss. 16.53 (13) and 16.71 (6) for financial and procurement services performed on behalf of the agencies under s. 16.53 (13), except charges for procurement savings identified under s. 16.71 (6).

SECTION 954. 20.865 (1) (mb) of the statutes is created to read:

20.865 (1) (mb) Compensation and related adjustments; federal program revenues. From the appropriate federal program revenue accounts, a sum sufficient to supplement the appropriations to state agencies for the increased cost incurred during the 2001–03 fiscal biennium of compensation and fringe benefits, other than health insurance benefits, resulting from pay adjustments with an effective date after July 2, 2000, and before July 1, 2001.
SECTION 955. 20.865 (1) (mb) of the statutes, as created by 2001 Wisconsin Act (this act), is repealed.

SECTION 956. 20.865 (1) (sb) of the statutes is created to read:

20.865 (1) (sb) **Compensation and related adjustments; nonfederal segregated revenues.** From the appropriate segregated funds derived from nonfederal segregated revenues, a sum sufficient to supplement the appropriations to state agencies for the increased cost incurred during the 2001–03 fiscal biennium of compensation and fringe benefits, other than health insurance benefits, resulting from pay adjustments with an effective date after July 2, 2000, and before July 1, 2001.

SECTION 957. 20.865 (1) (sb) of the statutes, as created by 2001 Wisconsin Act (this act), is repealed.

SECTION 958. 20.865 (1) (ts) of the statutes is amended to read:

20.865 (1) (ts) **Financial and procurement services; segregated revenues.** From the appropriate segregated funds, a sum sufficient to supplement the appropriations to state agencies for charges assessed by the department of administration under ss. 16.53 (13) and 16.71 (6) for financial and procurement services performed on behalf of the agencies under s. 16.53 (13), except charges for procurement savings identified under s. 16.71 (6).

SECTION 959. 20.865 (1) (xb) of the statutes is created to read:

20.865 (1) (xb) **Compensation and related adjustments; federal segregated revenues.** From the appropriate segregated funds derived from federal segregated revenues, a sum sufficient to supplement the appropriations to state agencies for the increased cost incurred during the 2001–03 fiscal biennium of compensation and
fringe benefits, other than health insurance benefits, resulting from pay
adjustments with an effective date after July 2, 2000, and before July 1, 2001.

SECTION 960. 20.865 (1) (xb) of the statutes, as created by 2001 Wisconsin Act
.... (this act), is repealed.

SECTION 961. 20.865 (2) (a) of the statutes is amended to read:
20.865 (2) (a) Space management and child care. The amounts in the schedule
to finance the costs of remodeling, moving, additional rental costs and move-related
vacant space costs, except costs financed under s. 20.855 (3) (a), and the unbudgeted
costs of assessments for child care facilities under s. 16.841 (4) incurred by state
agencies.

SECTION 962. 20.866 (1) (u) of the statutes, as affected by 1999 Wisconsin Act
146, is amended to read:
20.866 (1) (u) Principal repayment and interest. A sum sufficient from moneys
appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (f), 20.190 (1)
(c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e), (2) (e) and (j), (4) (e) and (5) (e),
20.250 (1) (e), 20.255 (1) (d), 20.275 (1) (er), (es), (h) and (hb), 20.285 (1) (d), (db), (fh),
(ih), (kd) and (km) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac),
(ag), (aq), (ar), (at), (au), (ba), (ca), (cb), (cc), (cd), (ce), (cf), (ea), (eq), and (er), 20.395
(6) (af), (aq) and (ar), 20.410 (1) (e), (ec) and (ko) and (3) (e), 20.435 (2) (ee) and (6)
(e), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (5) (c), (g) and
(kc) and (9) (b) and (h), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bp),
(br), (g), (h), (i), and (q) for the payment of principal and interest on public debt
contracted under subchs. I and IV of ch. 18.

SECTION 963. 20.866 (2) (tc) of the statutes is amended to read:
20.866 (2) (tc) Clean water fund program. From the capital improvement fund, a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred to the environmental improvement fund for the purposes of the clean water fund program under ss. 281.58 and 281.59. The state may contract public debt in an amount not to exceed $617,743,200 for this purpose. Of this amount, the amount needed to meet the requirements for state deposits under 33 USC 1382 is allocated for those deposits. Of this amount, $8,250,000 is allocated to fund the minority business development and training program under s. 200.49 (2) (b).

Moneys from this appropriation account may be expended for the purposes of s. 281.57 (10m) and (10r) only in the amount by which the department of natural resources and the department of administration determine that moneys available under par. (tn) are insufficient for the purposes of s. 281.57 (10m) and (10r).

SECTION 964. 20.866 (2) (tc) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

20.866 (2) (tc) Clean water fund program. From the capital improvement fund, a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred to the environmental improvement fund for the purposes of the clean water fund program under ss. 281.58 and 281.59. The state may contract public debt in an amount not to exceed $637,743,200 for this purpose. Of this amount, the amount needed to meet the requirements for state deposits under 33 USC 1382 is allocated for those deposits. Of this amount, $8,250,000 is allocated to fund the minority business development and training program under s. 200.49 (2) (b).

Moneys from this appropriation account may be expended for the purposes of s. 281.57 (10m) and (10r) only in the amount by which the department of natural resources and the department of administration determine that moneys available under par. (tn) are insufficient for the purposes of s. 281.57 (10m) and (10r).
resources and the department of administration determine that moneys available under par. (tn) are insufficient for the purposes of s. 281.57 (10m) and (10r).

**SECTION 964.** 20.866 (2) (te) of the statutes is amended to read:

20.866 (2) (te) **Natural resources; nonpoint source grants.** From the capital improvement fund, a sum sufficient for the department of natural resources to provide funds for nonpoint source water pollution abatement projects under s. 281.65. The state may contract public debt in an amount not to exceed $56,763,600 $79,163,600 for this purpose.

**SECTION 966.** 20.866 (2) (tg) of the statutes is amended to read:

20.866 (2) (tg) **Natural resources; environmental repair.** From the capital improvement fund, a sum sufficient for the department of natural resources to fund investigations and remedial action under s. 292.11 (7) (a) or 292.31 and remedial action under s. 281.83 and for payment of this state’s share of environmental repair that is funded under 42 USC 6991 to 6991i or 42 USC 9601 to 9675. The state may contract public debt in an amount not to exceed $43,000,000 $48,000,000 for this purpose. Of this amount, $5,000,000 $7,000,000 is allocated for remedial action under s. 281.83.

**SECTION 967.** 20.866 (2) (th) of the statutes is amended to read:

20.866 (2) (th) **Natural resources; urban nonpoint source cost-sharing.** From the capital improvement fund, a sum sufficient for the department of natural resources to provide cost-sharing grants for urban nonpoint source water pollution abatement and storm water management projects under s. 281.66 and to provide municipal flood control and riparian restoration cost-sharing grants under s. 281.665. The state may contract public debt in an amount not to exceed $13,000,000 $24,000,000 for this purpose.
SECTION 968. 20.866 (2) (tL) of the statutes is amended to read:

20.866 (2) (tL)  Natural resources; segregated revenue supported dam safety projects. From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns, and public inland lake protection and rehabilitation districts for dam safety projects under s. 31.385. The state may contract public debt in an amount not to exceed $6,350,000 $6,600,000 for this purpose.

SECTION 969. 20.866 (2) (tn) of the statutes is amended to read:

20.866 (2) (tn)  Natural resources; pollution abatement and sewage collection facilities. From the capital improvement fund, a sum sufficient to the department of natural resources to acquire, construct, develop, enlarge or improve point source water pollution abatement facilities and sewage collection facilities under s. 281.57 and to upgrade or replace a drinking water treatment plant under s. 281.57 (10t) including eligible engineering design costs. Payments may be made from this appropriation for capital improvement expenditures and encumbrances authorized under s. 281.57 before July 1, 1990, except for reimbursements made under s. 281.57 (9m) (a) and except as provided in s. 281.57 (10m), (10r) and (10t). Payments may also be made from this appropriation for expenditures and encumbrances resulting from disputed costs under s. 281.57 if an appeal of an eligibility determination is filed before July 1, 1990, and the result of the dispute requires additional funds for an eligible project. The state may contract public debt in an amount not to exceed $902,449,800 $893,493,400 for this purpose.

SECTION 970. 20.866 (2) (uv) of the statutes is amended to read:

20.866 (2) (uv)  Transportation, harbor improvements. From the capital improvement fund, a sum sufficient for the department of transportation to provide
grants for harbor improvements. The state may contract public debt in an amount not to exceed $22,000,000 $25,000,000 for this purpose.

SECTION 971. 20.866 (2) (uw) of the statutes is amended to read:

20.866 (2) (uw) Transportation; rail acquisitions and improvements. From the capital improvement fund, a sum sufficient for the department of transportation to acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d). The state may contract public debt in an amount not to exceed $23,500,000 $28,000,000 for these purposes.

SECTION 972. 20.866 (2) (we) of the statutes is amended to read:

20.866 (2) (we) Agriculture; soil and water. From the capital improvement fund, a sum sufficient for the department of agriculture, trade and consumer protection to provide for soil and water resource management under s. 92.14. The state may contract public debt in an amount not to exceed $6,575,000 $13,575,000 for this purpose.

SECTION 973. 20.866 (2) (ws) of the statutes is created to read:

20.866 (2) (ws) Administration; educational communications facilities. From the capital improvement fund, a sum sufficient for the department of administration to acquire, construct, develop, enlarge, or improve educational communications facilities. Unless the secretary of administration first determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation as defined in s. 39.81 (2), no moneys may be encumbered or public debt contracted under this paragraph. If the secretary of administration determines that the transfer of licenses has been approved, on and after the effective date of the last license
transferred, as determined by the secretary of administration under s. 39.87 (2) (a), the state may, for the purpose of this appropriation, contract public debt in an amount not to exceed $8,658,100 less any amount contracted on behalf of the educational communications board before the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a).

**SECTION 974.** 20.866 (2) (zc) of the statutes is amended to read:

20.866 (2) (zc) *Technology for educational achievement in Wisconsin board; school district educational technology infrastructure financial assistance; wiring.*

From the capital improvement fund, a sum sufficient for the technology for educational achievement in Wisconsin board to provide educational technology infrastructure financial assistance to school districts under s. 44.72 (4) (a) 1. The state may contract public debt in an amount not to exceed $100,000,000 for this purpose.

**SECTION 975.** 20.866 (2) (zcm) of the statutes is amended to read:

20.866 (2) (zcm) *Technology for educational achievement in Wisconsin board; public library educational technology infrastructure financial assistance; wiring.*

From the capital improvement fund, a sum sufficient for the technology for educational achievement in Wisconsin board to provide educational technology infrastructure financial assistance to public library boards under s. 44.72 (4) (a) 1. The state may contract public debt in an amount not to exceed $10,000,000 or $5,000,000 for this purpose.

**SECTION 976.** 20.866 (2) (zcp) of the statutes is created to read:

20.866 (2) (zcp) *Technology for educational achievement in Wisconsin board; public library educational technology infrastructure financial assistance; communications hardware.* From the capital improvement fund, a sum sufficient for
the technology for educational achievement in Wisconsin board to provide educational technology infrastructure financial assistance to public library boards under s. 44.72 (4) (a) 2. The state may contract public debt in an amount not to exceed $5,000,000 for this purpose.

**SECTION 977.** 20.866 (2) (zd) of the statutes is amended to read:

20.866 (2) (zd) Educational communications board; educational communications facilities. From the capital improvement fund, a sum sufficient for the educational communications board to acquire, construct, develop, enlarge or improve educational communications facilities. The state may contract public debt in an amount not to exceed $8,658,100 for this purpose. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation as defined in s. 39.81 (2), on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a).

**SECTION 978.** 20.866 (2) (zn) of the statutes is amended to read:

20.866 (2) (zn) Veterans affairs; self-amortizing mortgage loans. From the capital improvement fund, a sum sufficient for the department of veterans affairs for loans to veterans under s. 45.79 (6) (a). The state may contract public debt in an amount not to exceed $2,020,500,000 $2,120,840,000 for this purpose.

**SECTION 979.** 20.867 (3) (h) of the statutes is amended to read:

20.867 (3) (h) Principal repayment, interest, and rebates. A sum sufficient to guarantee full payment of principal and interest costs for self-amortizing or partially self-amortizing facilities enumerated under ss. 20.190 (1) (j), 20.245 (2) (1) (j), 20.285 (1) (ih), (kd) and (km), 20.370 (7) (eq) and 20.485 (1) (go) if moneys
available in those appropriations are insufficient to make full payment, and to make
full payment of the amounts determined by the building commission under s. 13.488
(1) (m) if the appropriation under s. 20.190 (1) (j), 20.245 (2) (1) (j), 20.285 (1) (ih), (kd)
or (km) or 20.485 (1) (go) is insufficient to make full payment of those amounts. All
amounts advanced under the authority of this paragraph shall be repaid to the
general fund whenever the balance of the appropriation for which the advance was
made is sufficient to meet any portion of the amount advanced. The department of
administration may take whatever action is deemed necessary including the making
of transfers from program revenue appropriations and corresponding appropriations
from program receipts in segregated funds and including actions to enforce
contractual obligations that will result in additional program revenue for the state,
to ensure recovery of the amounts advanced.

Section 980. 20.867 (3) (k) of the statutes is amended to read:

20.867 (3) (k) Interest rebates on obligation proceeds; program revenues. All
moneys transferred from the appropriations under pars. (g) and (i) and ss. 20.190 (1)
(j), 20.245 (2) (1) (j), 20.285 (1) (kd), 20.410 (1) (ko) and 20.505 (5) (g) and (kc) to make
the payments determined by the building commission under s. 13.488 (1) (m) on the
proceeds of obligations specified in those paragraphs.

Section 981. 20.875 (1) (a) of the statutes is repealed and recreated to read:

20.875 (1) (a) General fund transfer. A sum sufficient equal to the amount that
is required to be transferred under s. 16.518 (3).

Section 982. 20.876 of the statutes is created to read:

20.876 Tax relief fund. (1) Transfers to fund. There is appropriated to the
tax relief fund:
(a) **General fund transfer.** A sum sufficient equal to the amount that is required to be transferred under s. 16.518 (4).

**SECTION 982.**

(2) **TRANSFERS FROM THE FUND.** There is appropriated from the tax relief fund to the general fund:

(q) **Tax relief fund transfer.** An amount equal to the amount certified to the secretary of administration under s. 71.07 (7m) (d).

**SECTION 983.** 20.903 (2) (b) of the statutes is amended to read:

20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys expended from the appropriations under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), (kb), and (kc) and (kd) and 20.530 (1) (is), (it), (ke), and (kf) in an additional amount not exceeding the depreciated value of equipment for operations financed under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), (kb), and (kc) and (kd) and 20.530 (1) (is), (it), (ke), and (kf). The secretary of administration may require such statements of assets and liabilities as he or she deems necessary before approving expenditure estimates in excess of the unexpended moneys in the appropriation account.

**SECTION 984.** 20.916 (8) (a) of the statutes is amended to read:

20.916 (8) (a) The secretary of employment relations shall recommend to the joint committee on employment relations uniform travel schedule amounts for travel by state officers and employees whose compensation is established under s. 20.923 or 230.12. Such amounts shall include maximum permitted amounts for meal and lodging costs, special allowance expenses under sub. (9) (d), and porterage tips, except as authorized under s. 16.53 (12) (c). In lieu of the maximum permitted amounts for expenses under sub. (9) (b), (c), and (d), the secretary may recommend to the committee a per diem amount and method of reimbursement for any or all
expenses under sub. (9) (b), (c), and (d). The secretary shall also recommend to the
committee the amount of the allowance for legislative expenses under s. 13.123 (1)
(a) 1.

SECTION 985. 20.916 (8) (b) of the statutes is amended to read:

20.916 (8) (b) The approval process for the uniform travel schedule amounts
and allowances for legislative expenses under this subsection shall be the same as
that provided under s. 230.12 (3) (b). The approved amounts for the uniform travel
schedule and legislative expense allowances shall be incorporated into the
compensation plan under s. 230.12 (1).

SECTION 986. 20.923 (4) (a) 6. of the statutes is repealed.

SECTION 987. 20.923 (4) (c) 2. of the statutes is created to read:

20.923 (4) (c) 2. Education evaluation and accountability, board on: executive
director.

SECTION 988. 20.923 (4) (e) 1e. of the statutes is amended to read:

20.923 (4) (e) 1e. Educational communications board: executive director. If the
secretary of administration determines that the federal communications
commission has approved the transfer of all broadcasting licenses held by the
educational communications board to the broadcasting corporation as defined in s.
39.81 (2), this subdivision does not apply on and after the effective date of the last
license transferred as determined by the secretary of administration under s. 39.87
(2) (a).

SECTION 989. 20.923 (4) (h) 2. of the statutes is created to read:

20.923 (4) (h) 2. Electronic government, department of: secretary (chief
information officer).

SECTION 990. 20.923 (6) (aj) of the statutes is created to read:
20.923 (6) (aj) Administration, department of: state–local government coordinator.

SECTION 991. 20.923 (6) (b) of the statutes is amended to read:

20.923 (6) (b) Educational communications board: unclassified professional staff. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation as defined in s. 39.81 (2), this paragraph does not apply on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a).

SECTION 992. 20.923 (6) (bb) of the statutes is created to read:

20.923 (6) (bb) Elections board: special masters appointed under s. 7.08 (7).

SECTION 993. 20.923 (6) (dm) of the statutes is repealed.

SECTION 994. 20.924 (1) (h) of the statutes is repealed.

SECTION 995. 20.924 (4) of the statutes is amended to read:

20.924 (4) In addition to the authorized building program for the historical society, the society may expend any funds which are made available from the appropriations under s. 20.245 (1) (ag), (g), (h) and (m), (2) (a) to (h), (g), (h) and (m), (3) (g), (h), (m) and (n), (4) (g), (h) and (m) and (5) (a), (g), (h) and (m) and (n).

SECTION 996. 21.01 (1) of the statutes is amended to read:

21.01 (1) The organized militia of this state shall be known as the “Wisconsin national guard” and the “Wisconsin naval militia” and shall consist of members appointed or enlisted therein in accordance with federal law or regulations governing or pertaining to the national guard or to the naval militia.

SECTION 997. 21.01 (3) of the statutes is created to read:
21.01 (3) The Wisconsin naval militia shall consist of members or former members of U.S. naval, coast guard, or marine corps reserve, enlisted or appointed, who also join the Wisconsin naval militia. The members and units of the Wisconsin naval militia while in state service shall be under the command and control of the governor through the adjutant general. Their membership in the Wisconsin naval militia is authorized under the provisions of Title 10 U.S. Code Sections 7851, 7852, and 7854. The primary purpose of the naval militia will be to respond to the call of the governor to support the state of Wisconsin during times of natural disaster, state emergency, domestic disorder, or other public service support missions. The military structure of the units of the naval militia will be established by the adjutant general by military regulation, approved by the governor. The term “naval militia” when used in this chapter will refer to the members and units thus organized and not to the “national guard,” unless the context otherwise requires that interpretation.

SECTION 998. 21.015 (1) of the statutes is amended to read:

21.015 (1) Administer the national guard and the naval militia.

SECTION 999. 21.015 (2) of the statutes is amended to read:

21.015 (2) Provide facilities for the national guard and the naval militia and any other support available from the appropriations under s. 20.465.

SECTION 1000. 21.025 (2) (b) of the statutes is amended to read:

21.025 (2) (b) The governor may form an aviation unit and a naval unit of the state defense force and formulate the rules and regulations therefor and prescribe the duties thereof consistent with the functions of the state defense force.

SECTION 1001. 21.025 (2) (c) of the statutes is amended to read:
21.025 (2) (c) Officers and enlistees, while on active duty under orders of the governor, shall receive the base pay and allowances of the identical pay grade in the United States army.

**SECTION 1002.** 21.03 of the statutes is amended to read:

21.03 **Distribution of arms.** The governor may receive and distribute, according to law, the quota of arms and military equipment which the state may receive from the government of the United States under the provisions of any acts of congress providing for arming and equipping the national guard, the naval militia, and the state defense force.

**SECTION 1003.** 21.07 of the statutes is amended to read:

21.07 **Decorations and awards.** The adjutant general may prescribe decorations and awards for the Wisconsin national guard, the Wisconsin naval militia, and the state defense force, the form and issue thereof made under rules adopted by the adjutant general and approved by the governor.

**SECTION 1004.** 21.09 of the statutes is amended to read:

21.09 **Training; special schools; pay and allowances.** The governor may order the national guard or the naval militia, or both, to assemble for training at any military establishment within or without the state specified and approved by the department of defense and fix the dates and places thereof, and the governor may order members of the national guard and the naval militia, at their option, to attend such special schools for military training as may be authorized by the state or federal government. For such training and attendance at special schools, members of the national guard and the naval militia shall receive such pay and allowances as the federal government or the governor may authorize.

**SECTION 1005.** 21.11 (1) of the statutes is amended to read:
21.11 (1) In case of war, insurrection, rebellion, riot, invasion or resistance to
the execution of the laws of this state or of the United States; in the event of public
disaster resulting from flood, conflagration or tornado; in order to assess damage or
potential damage and to recommend responsive action as a result of natural or
man-made events; or upon application of any marshal of the United States, the
president of any village, the mayor of any city, the chairperson of any town board, or
any sheriff in this state, the governor may order into active service all or any portion
of the national guard or the naval militia. If the governor is absent, or cannot be
immediately communicated with, any such civil officer may, if the officer deems the
occasion so urgent, make such application, which shall be in writing, to the
commanding officers of any company, battalion or regiment, or similar naval militia
unit, who may upon approval of the adjutant general, if the danger is great and
imminent, order out that officer’s command to the aid of such civil officer. Such order
shall be delivered to the commanding officer, who shall immediately communicate
the order to each, and every subordinate officer, and every company commander or
similar naval militia commander receiving the same shall immediately
communicate the substance thereof to each member of the company or naval militia
unit, or if any such member cannot be found, a notice in writing containing the
substance of such order shall be left at the last and usual place of residence of such
member with some person of suitable age and discretion, to whom its contents shall
be explained.

SECTION 1006. 21.11 (2) of the statutes is amended to read:

21.11 (2) Any commissioned officer or enlisted member of the national guard
or the naval militia who fails to carry out orders or fails to appear at the time or place
ordered as provided in sub. (1) shall be punished under the Wisconsin code of military
justice. Any person who advises or endeavors to persuade an officer or soldier
enlisted member to refuse or neglect to appear at such place or obey such order shall
forfeit not less than $200 nor more than $1,000.

**SECTION 1007.** 21.13 (1) of the statutes is amended to read:

21.13 (1) If any member of the national guard, the naval militia, or the state
defense force is prosecuted by any civil or criminal action for any act performed by
the member while in the performance of military duty and in pursuance of military
duty, the action against the member shall be defended by counsel, which may include
the attorney general, appointed for that purpose by the governor upon the
recommendation of the adjutant general. The adjutant general shall make the
recommendation if the act performed by the member was in the line of duty. The costs
and expenses of any such defense shall be audited by the department of
administration and paid out of the state treasury and charged to the appropriation
under s. 20.455 (1) (b) and if the jury or court finds that the member of the national
guard, the naval militia, or the state defense force against whom the action is
brought acted within the scope of his or her employment as a member, the judgment
as to damages entered against the member shall also be paid by the state.

**SECTION 1008.** 21.13 (2) of the statutes is amended to read:

21.13 (2) Any civil action or proceeding brought against a member of the
national guard, the naval militia, or the state defense force under sub. (1) is subject
to ss. 893.82 and 895.46.

**SECTION 1009.** 21.18 (1) of the statutes is amended to read:

21.18 (1) The Except as provided in sub. (4), the military staff of the governor
shall consist of the adjutant general, with a minimum rank of brigadier general; a
deputy adjutant general for army, who may be a general officer; an assistant adjutant
general, army, for readiness and training, who may be a general officer; a deputy
assistant adjutant general, army, for readiness and training; a deputy adjutant
general for air, who may be a general officer; a chief surgeon for army, who may be
a general officer; a chief surgeon for air, who may be a general officer; a staff judge
advocate for army, who may be a general officer; a staff judge advocate for air, who
may be a general officer; a state chaplain, who may be a general officer; and such
other officers as the governor deems necessary. Vacancies in positions other than
those of the adjutant general shall be filled through appointment by the adjutant
general.

SECTION 1010. 21.18 (4) of the statutes is created to read:

21.18 (4) The military staff of the governor shall be to include an assistant to
the adjutant general for readiness and training for the naval militia who shall hold
the rank of rear admiral lower half, or brigadier general, depending upon branch of
service. He or she shall be appointed by the adjutant general with the consent of the
governor for a 3-year period and the appointee may be reappointed to successive
periods. The appointment of this assistant to the adjutant general shall not be
conditioned upon current membership in one of the United States armed forces
reserves. However, the appointee must comply with sub. (2) and must currently be
either a member of a U.S. reserve component, or have been separated from military
service under honorable conditions. The remainder of the military staff of the naval
militia shall be established by military regulations promulgated by the adjutant
general and approved by the governor.

SECTION 1011. 21.19 (2) of the statutes is amended to read:

21.19 (2) The department of military affairs on behalf of the state may rent to
appropriate organizations or individuals state-owned lands, buildings and facilities
used by, acquired for, or erected for the Wisconsin national guard or other state
recognized military force, when not required for use by the Wisconsin national guard,
or other state recognized military force. Such rental shall not be effective unless in
writing and approved by the governor and the adjutant general or a designee in
writing.

**SECTION 1012.** 21.19 (8) of the statutes is amended to read:

21.19 (8) The adjutant general or a designee shall issue all necessary supplies
to members and units of the national guard, naval militia, or state defense force and
may contract for the purchase and transportation of such supplies, subject to s. 16.71
(1).

**SECTION 1013.** 21.20 of the statutes is amended to read:

**21.20 Civil service status.** All full-time state-paid employees of the
department of military affairs shall be under the classified service, except the
adjutant general, the executive assistant to the adjutant general, the deputy
adjutants general for army and air, the assistant to the adjutant general for
readiness and training for the naval militia, and the administrator of the division of
emergency management.

**SECTION 1014.** 21.30 of the statutes is amended to read:

**21.30 Chief surgeons; powers and duties.** The chief surgeons for army and
air shall, under direction of the adjutant general, have general supervision of the
medical units of the Wisconsin national guard, the Wisconsin naval militia, and state
defense force when organized. The chief surgeons shall make recommendations
concerning procurement of medical supplies for state active duty operations, for the
procurement and training of medical personnel and for the publication of Wisconsin
national guard, Wisconsin naval militia, or state defense force directives on medical
subjects. The chief surgeons shall submit an annual report of the affairs and expenses of their departments to the adjutant general.

SECTION 1015. 21.32 of the statutes is amended to read:

21.32 Physical examinations. The chief surgeons for army and, air, and naval militia shall provide for such physical examinations and inoculations of officers, enlistees and applicants for enlistment, in the Wisconsin national guard and the Wisconsin naval militia, as may be prescribed by department of defense and national guard regulations and, if applicable, Wisconsin naval militia regulations.

SECTION 1016. 21.35 of the statutes is amended to read:

21.35 Federal laws and regulations; no discrimination. The organization, armament, equipment and discipline of the Wisconsin national guard and the Wisconsin naval militia shall be that prescribed by federal laws or regulations; and the governor may by order perfect such organization, armament, equipment and discipline, at any time, so as to comply with such laws and regulations insofar as they are consistent with the Wisconsin code of military justice. Notwithstanding any rule or regulation prescribed by the federal government or any officer or department thereof, no person, otherwise qualified, may be denied membership in the Wisconsin national guard or the Wisconsin naval militia because of sex, color, race, creed or sexual orientation and no member of the Wisconsin national guard or the Wisconsin naval militia may be segregated within the Wisconsin national guard or the Wisconsin naval militia on the basis of sex, color, race, creed or sexual orientation. Nothing in this section prohibits separate facilities for persons of different sexes with regard to dormitory accommodations, public toilets, showers, saunas and dressing rooms.

SECTION 1017. 21.36 (1) of the statutes is amended to read:
21.36 (1) The rules of discipline and the regulations of the armed forces of the U.S. shall, so far as the same are applicable, constitute the rules of discipline and the regulations of the national guard and the naval militia; the rules and uniform code of military justice established by congress and the department of defense for the armed forces shall be adopted so far as they are applicable and consistent with the Wisconsin code of military justice for the government of the national guard and the naval militia, and the system of instruction and the drill regulations prescribed for the different arms and corps of the armed forces of the U.S. shall be followed in the military instruction and practice of the national guard and the naval militia, and the use of any other system is forbidden.

SECTION 1018. 21.36 (2) of the statutes is amended to read:

21.36 (2) The governor may make and publish rules, regulations and orders for the government of the national guard and the naval militia, not inconsistent with the law, and cause the same, together with any laws relating thereto, to be printed and distributed in book form or otherwise in such numbers as the governor deems necessary, and the governor may provide for all books, blank books, and blanks that may be necessary for the proper discharge of the duty of all officers. The governor may delegate the authority under this subsection to the adjutant general by executive order.

SECTION 1019. 21.38 of the statutes is amended to read:

21.38 Uniform of Wisconsin national guard. The uniform of the national guard and the naval militia shall be that prescribed by regulations for the corresponding branch of the United States armed forces. The uniform of the naval militia shall be consistent for all unit members regardless of the branch of service. This requirement shall be made by regulation by the adjutant general.
SECTION 1020. 21.43 of the statutes is amended to read:

21.43 Commissions and rank. The governor shall issue commissions to all officers whose appointments are approved by the governor. Every commission shall be countersigned by the secretary of state and attested by the adjutant general and continue as provided by law. Each officer so commissioned shall take and file with the department of military affairs the oath of office prescribed by article IV, section 28, of the constitution. All commissioned officers shall take rank according to the date assigned them by their commissions, and when 2 of the same grade rank from the same date, their rank shall be determined by length of service in the national guard and naval militia creditable for pay, and if of equal service then by lot.

SECTION 1021. 21.47 of the statutes is amended to read:

21.47 Examinations for promotion or appointments. The governor may order any subordinate officer or person nominated or recommended for promotion or appointment in the national guard or naval militia to be examined by any competent officer or board of officers, designated in orders for that purpose, as to that person’s qualifications for the office to which that person may be recommended or appointed, and may take such action on the report of such examining officer or board of officers as the governor deems to be for the best interests of the service. The governor may also require the physical examination provided for admission to the United States army or, air force, navy, marine corps, or coast guard.

SECTION 1022. 21.48 (1) of the statutes is amended to read:

21.48 (1) Each officer and enlisted person of the Wisconsin national guard and the naval militia on active duty in the state under orders of the governor on a state pay basis shall receive the base pay and allowances of an officer or enlisted person
of equal rank in the corresponding branch of the U.S. armed forces except that the
base pay so provided shall not be less than $50 per day.

SECTION 1023. 21.48 (3) of the statutes is amended to read:

21.48 (3) The governor may order, with their consent, to active duty in the
department of military affairs, any departmental officers of the governor’s staff,
including the adjutant general and the deputy adjutants general, and the assistant
to the adjutant general for readiness and training for the naval militia, and while so
assigned the officers shall receive the pay, but not the allowances, of an officer of
equal grade in the armed forces of the United States.

SECTION 1024. 21.49 (1) (b) 2. of the statutes is amended to read:

21.49 (1) (b) 2. Any accredited institution of higher education, as defined by
rule by the higher educational aids board in 20 USC 1002.

SECTION 1025. 21.59 of the statutes is amended to read:

21.59 Issue of subsistence. The adjutant general, during state active duty
of the national guard, the naval militia, or state defense force, shall issue subsistence
to personnel.

SECTION 1026. Chapter 22 (title) of the statutes is created to read:

CHAPTER 22

DEPARTMENT OF

ELECTRONIC GOVERNMENT

SECTION 1027. 22.01 (2m), (5), (6m) and (10) of the statutes are created to read:

22.01 (2m) “Board” means the information technology management board.

(5) “Department” means the department of electronic government.
(6m) “Information technology portfolio” means information technology systems, applications, infrastructure, and information resources and human resources devoted to developing and maintaining information technology systems.

(10) “Telecommunications” means all services and facilities capable of transmitting, switching, or receiving information in any form by wire, radio, or other electronic means.

SECTION 1028. 22.05 (1) (ac) of the statutes is created to read:

22.05 (1) (ac) “Broadcasting corporation” has the meaning given under s. 39.81 (2).

SECTION 1029. 22.05 (2) (f) to (i) of the statutes are created to read:

22.05 (2) (f) Acquire, operate, and maintain any information technology equipment or systems required by the department to carry out its functions, and provide information technology development and management services related to those information technology systems. The department may assess executive branch agencies for the costs of equipment or systems acquired, operated, maintained, or provided or services provided under this paragraph in accordance with a methodology determined by the chief information officer. The department may also charge any agency for such costs as a component of any services provided by the department to the agency.

(g) Assume direct responsibility for the planning and development of any information technology system in the executive branch of state government that the chief information officer determines to be necessary to effectively develop or manage the system, with or without the consent of any affected executive branch agency. The department may charge any executive branch agency for the department’s
reasonable costs incurred in carrying out its functions under this paragraph on behalf of that agency.

(h) Establish master contracts for the purchase of materials, supplies, equipment, or contractual services relating to information technology or telecommunications for use by agencies, authorities, local governmental units, or entities in the private sector and require any executive branch agency to make any purchases of materials, supplies, equipment, or contractual services included under the contract pursuant to the terms of the contract.

(i) Accept gifts, grants, and bequests, to be used for the purposes for which made, consistently with applicable laws.

SECTION 1030. 22.07 (intro.) of the statutes is created to read:

22.07 Duties of the department. (intro.) The department shall:

SECTION 1031. 22.09 of the statutes is created to read:

22.09 Powers of the chief information officer. The chief information officer may:

(1) Establish and collect assessments and charges for all authorized services provided by the department, subject to applicable agreements under sub. (2).

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

(3) Develop or operate and maintain any system or device facilitating Internet or telephone access to information about programs of agencies, authorities, local governmental units, or entities in the private sector, or otherwise permitting the
transaction of business by agencies, authorities, local governmental units, or entities in the private sector by means of electronic communication. The chief information officer may assess executive branch agencies for the costs of systems or devices that are developed, operated, or maintained under this subsection in accordance with a methodology determined by the officer. The chief information officer may also charge any agency, authority, local governmental unit, or entity in the private sector for such costs as a component of any services provided by the department to that agency, authority, local governmental unit, or entity.

(4) Notwithstanding ss. 20.115 to 20.585, transfer moneys from the unencumbered balance in the account for any appropriation made to any executive branch agency, other than a sum sufficient appropriation, to the appropriation account under s. 20.530 (1) (ke) or (kf) or any other account for an appropriation made to an executive branch agency, without the consent of any affected executive branch agency, for the purpose of facilitating more efficient or effective funding of information technology or electronic communications services within the executive branch of state government, if the transfer is consistent with state and federal law and with any requirement imposed by the federal government as a condition to receipt of aids by this state. If any transfer under this subsection is made to or from a sum certain appropriation, the amount in the schedule for the account from which the transfer is made for the period during which the transfer is made is decreased by the amount transferred and the amount in the schedule for the account to which the transfer is made for the period during which the transfer is made is increased by the amount transferred.

(5) Review and approve, approve with modifications, or disapprove any proposed contract for the purchase of materials, supplies, equipment, or contractual
services relating to information technology or telecommunications by an executive branch agency.

**SECTION 1032.** 22.13 of the statutes is created to read:

**22.13 Strategic plans for executive branch agencies.** (1) As a part of each proposed strategic plan submitted under s. 22.03 (2) (L), the department shall require each executive branch agency to address the business needs of the agency and to identify all proposed information technology development projects that serve those business needs, the priority for undertaking such projects, and the justification for each project, including the anticipated benefits of the project. Each proposed plan shall identify any changes in the functioning of the agency under the plan. In each even-numbered year, the plan shall include identification of any information technology development project that the agency plans to include in its biennial budget request under s. 16.42 (1).

(2) Each proposed strategic plan shall separately identify the initiatives that the executive branch agency plans to undertake from resources available to the agency at the time that the plan is submitted and initiatives that the agency proposes to undertake that would require additional resources.

(3) Following receipt of a proposed strategic plan from an executive branch agency under this section, the chief information officer shall, before June 1, notify the agency of any concerns that the officer may have regarding the plan and provide the agency with his or her recommendations regarding the proposed plan. The chief information officer may also submit any concerns or recommendations regarding any proposed plan to the board for its consideration. The board shall then consider the proposed plan and provide the chief information officer with its recommendations.
regarding the plan. The executive branch agency may submit modifications to its proposed plan in response to any recommendations.

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

(5) No executive branch agency may implement a new or revised information technology development project authorized under a strategic plan until the implementation is approved by the chief information officer in accordance with procedures prescribed by the officer.

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

Section 1033. 22.15 of the statutes is created to read:

22.15 Information technology portfolio management. With the assistance of executive branch agencies and the advice of the board, the department shall manage the information technology portfolio of state government in accordance with a management structure that includes all of the following:

(1) Criteria for selection of information technology assets to be managed.

(2) Methods for monitoring and controlling information technology development projects and assets.

(3) Methods to evaluate the progress of information technology development projects and the effectiveness of information technology systems, including performance measurements for the information technology portfolio.

Section 1034. 22.17 of the statutes is created to read:
22.17 Information technology management board. (1) The board shall provide the chief information officer with its recommendations concerning any elements of the strategic plan of an executive branch agency that are referred to the board under s. 22.13 (3).

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

(3) The board may, upon petition of an executive branch agency, review any decision of the chief information officer under s. 16.505 (2e) or this chapter affecting that agency. Upon review, the board may affirm, modify, or set aside the decision. If the board modifies or sets aside the decision of the chief information officer, the decision of the board stands as the decision of the chief information officer and the decision is not subject to further review or appeal.

(4) The board may monitor progress in attaining goals for information technology and telecommunications development set by the chief information officer or executive branch agencies, and may make recommendations to the officer or agencies concerning appropriate means of attaining those goals.

SECTION 1035. 23.0917 (6) (b) of the statutes is amended to read:

23.0917 (6) (b) Paragraph (a) applies only to an amount for a project or activity that exceeds $250,000 $500,000, except as provided in par. (c).

SECTION 1036. 23.0917 (8) (b) of the statutes is created to read:

23.0917 (8) (b) The department may not obligate moneys from the appropriation under s. 20.866 (2) (ta) for the acquisition or development of land by a county or other local governmental unit or political subdivision if the county, local
governmental unit, or political subdivision acquires the land involved by condemnation.

**SECTION 1037.** 23.097 (1) of the statutes is renumbered 23.097 (1) (b) and amended to read:

23.097 (1) (b) The department shall award grants to counties, cities and, villages, towns, and nonprofit organizations for up to 50% of the cost of tree management plans, tree inventories, brush residue projects, the development of tree management ordinances, tree disease evaluations, public education concerning trees in urban areas and other tree projects.

**SECTION 1038.** 23.097 (1) (a) of the statutes is created to read:

23.097 (1) (a) In this subsection, a “nonprofit organization” means an organization that is described in section 501 (c) (3) of the Internal Revenue Code and that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

**SECTION 1039.** 23.175 (1) (b) of the statutes is amended to read:

23.175 (1) (b) “State agency” means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including any authority created under ch. 231, 233 or 234, or 237 but not including the legislature or the courts.

**SECTION 1040.** 23.235 (2) of the statutes is amended to read:

23.235 (2) Except as provided in sub. (3), no person may sell, offer for sale, distribute, plant, or cultivate any nuisance weed *multiflora rose* or seeds thereof.

**SECTION 1041.** 23.235 (4) of the statutes is repealed.

**SECTION 1042.** 23.24 of the statutes is created to read:
23.24 *Aquatic plants.* (1) **Definitions.** In this section:

(a) “Aquaculture” has the meaning given in s. 93.01 (1d).

(b) “Aquatic plant” means a planktonic, submergent, emergent, or floating-leaf plant or any part thereof.

(c) “Control” means to cut, remove, destroy, or suppress.

(d) “Cultivate” means to intentionally maintain the growth or existence of.

(e) “Distribute” means to sell, offer to sell, distribute for no consideration, or offer to distribute for no consideration.

(f) “Introduce” means to plant, cultivate, stock, or release.

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

(h) “Manage” means to introduce or control.

(i) “Native” means indigenous to the waters of this state.

(j) “Nonnative” means not indigenous to the waters of this state.

(k) “Waters of this state” means any surface waters within the territorial limits of this state.

(2) **Program established.** (a) The department shall establish a program for the waters of this state to do all of the following:

1. Protect and develop diverse and stable communities of native aquatic plants.

2. Regulate how aquatic plants are managed.

3. Provide education and conduct research concerning invasive aquatic plants.

(b) Under the program implemented under par. (a), the department shall do all of the following:

1. Designate by rule which aquatic plants are invasive aquatic plants for purposes of this section. The department shall designate Eurasian water milfoil,
curly leaf pondweed, and purple loosestrife as invasive aquatic plants and may
designate any other aquatic plant as an invasive aquatic plant if it has the ability to
cause significant adverse change to desirable aquatic habitat, to significantly
displace desirable aquatic vegetation, or to reduce the yield of products produced by
aquaculture.

2. Administer and establish by rule procedures and requirements for the
issuing of aquatic plants management permits required under sub. (3).

(c) The requirements promulgated under par. (b) 2. may specify any of the
following:

1. The quantity of aquatic plants that may be managed under an aquatic plant
management permit.

2. The species of aquatic plants that may be managed under an aquatic plant
management permit.

3. The areas in which aquatic plants may be managed under an aquatic plant
management permit.

4. The methods that may be used to manage aquatic plants under an aquatic
plant management permit.

5. The times during which aquatic plants may be managed under an aquatic
plant management permit.

6. The allowable methods for disposing or using aquatic plants that are
removed or controlled under an aquatic plant management permit.

7. The requirements for plans that the department may require under sub. (3)
(b).
(3) PERMITS. (a) Unless a person has a valid aquatic plant management permit issued under the program established under sub. (2), no person may do any of the following:

1. Introduce nonnative aquatic plants into waters of this state.
2. Manually remove aquatic plants from navigable waters.
3. Control aquatic plants in waters of this state by the use of chemicals.
4. Control aquatic plants in navigable waters by introducing biological agents, by using a process that involves dewatering, desiccation, burning, or freezing, or by using mechanical means.

(b) The department may require that an application for an aquatic plant management permit contain a plan for the department’s approval as to how the aquatic plants will be introduced, removed, or controlled.

(c) The department may establish fees for aquatic plant management permits. The department may establish a different fee for an aquatic plant management permit to manage aquatic plants that are located in a body of water that is entirely confined on the property of one property owner.

(4) EXEMPTIONS FROM PERMITS. (a) In this subsection:

1. “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of the political subdivision or special purpose district, or a combination or subunit of any of the foregoing.
2. “State agency” means any office, department, independent agency, or attached board or commission within the executive branch of state government, or any special purpose authority created by statute.

(b) The permit requirement under sub. (3) does not apply to any of the following:
1. A person who manually removes aquatic plants from privately owned stream
   beds with the permission of the landowner.

2. A person who engages in an activity listed under sub. (3) (a) in the course of
   harvesting wild rice as authorized under s. 29.607.

3. A person who engages in an activity listed under sub. (3) (a) in the course of
   operating a fish farm as authorized under s. 95.60.

   (c) The department may promulgate a rule to waive the permit requirement
   under sub. (3) (a) 2. for any of the following:

   1. A person who owns property on which there is a body of water that is entirely
      confined on the property of that person.

   2. A riparian owner who manually removes aquatic plants from a body of water
      that abuts the owner’s property provided that the removal does not interfere with the
      rights of other riparian owners.

   3. A person who is controlling purple loosestrife.

   4. A person who uses chemicals in a body of water for the purpose of controlling
      bacteria on bathing beaches.

   5. A person who uses chemicals on plants to prevent the plants from interfering
      with the use of water for drinking purposes.

   6. A state agency or a local governmental unit that uses a chemical treatment
      in a body of water for the purpose of protecting the public health.

   (5) DISTRIBUTION PROHIBITED. No person may distribute an invasive aquatic
   plant.

   (6) PENALTIES. (a) Except as provided in par. (b), any person who violates sub.
   (3) shall forfeit not more than $200.
(b) A person who violates sub. (3) and who, within 5 years before the arrest of the current conviction, was previously convicted of a violation of sub. (3) shall forfeit not less than $700 nor more than $2,000 or shall be imprisoned for not less than 6 months nor more than 9 months or both.

(c) The court may order a person who is convicted under par. (b) to abate any nuisance caused by the violation, restore any natural resource damaged by the violation, or take other appropriate action to eliminate or minimize any environmental damage caused by the violation.

(d) A person who violates sub. (5) shall forfeit not more than $100.

**SECTION 1043.** 23.27 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27, section 769ad, is repealed and recreated to read:

23.27 (3) (a) **Duties.** The department, with the advice of the council, shall conduct a natural heritage inventory program. The department shall cooperate with the department of administration under s. 16.967 and consider any recommendations of the Wisconsin land council in conducting this program. This program shall establish a system for determining the existence and location of natural areas, the degree of endangerment of natural areas, an evaluation of the importance of natural areas, information related to the associated natural values of natural areas, and other information and data related to natural areas. This program shall establish a system for determining the existence and location of native plant and animal communities and endangered, threatened, and critical species, the degree of endangerment of these communities and species, the existence and location of habitat areas associated with these communities and species, and other information and data related to these communities and species. This program shall
establish and coordinate standards for the collection, storage, and management of
information and data related to the natural heritage inventory.

SECTION 1044. 23.32 (2) (d) of the statutes, as affected by 1997 Wisconsin Act
27, is repealed and recreated to read:

23.32 (2) (d) The department shall cooperate with the department of
administration under s. 16.967 and consider any recommendations of the Wisconsin
land council in conducting wetland mapping activities or any related land
information collection activities.

SECTION 1045. 23.325 (1) (a) of the statutes, as affected by 1997 Wisconsin Act
27, is repealed and recreated to read:

23.325 (1) (a) Shall consult with the department of administration, the
department of transportation, and the state cartographer, shall consider any
recommendations of the Wisconsin land council, and may consult with other
potential users of the photographic products resulting from the survey, to determine
the scope and character of the survey.

SECTION 1046. 23.33 (1) (g) of the statutes is repealed.

SECTION 1047. 23.33 (1) (jn) of the statutes is created to read:

23.33 (1) (jn) “Registration documentation” means an all-terrain vehicle
registration certificate, a validated registration receipt, or a registration decal.

SECTION 1048. 23.33 (1) (o) of the statutes is created to read:

23.33 (1) (o) “Validated registration receipt” means a receipt issued by the
department or an agent under sub. (2) (ig) 1. a. that shows that an application and
the required fees for a registration certificate has been submitted to the department.

SECTION 1049. 23.33 (2) (a) of the statutes is amended to read:
23.33 (2) (a) **Requirement.** No person may operate and no owner may give permission for the operation of an all-terrain vehicle within this state unless the all-terrain vehicle is registered for public use or for private use under this subsection or sub. (2g), is exempt from registration, or is operated with a reflectorized plate attached in the manner specified under par. (dm) 3. No person may operate and no owner may give permission for the operation of an all-terrain vehicle on a public all-terrain vehicle route or trail unless the all-terrain vehicle is registered for public use under this subsection or sub. (2g), is exempt from registration or is operated with a reflectorized plate attached in the manner specified under par. (dm) 3.

**SECTION 1050.** 23.33 (2) (d) of the statutes is amended to read:

23.33 (2) (d) **Registration; private use; fee.** An all-terrain vehicle used exclusively for agricultural purposes or used exclusively on private property may be registered for private use. The fee for the issuance or renewal of a registration certificate for private use is $6.

**SECTION 1051.** 23.33 (2) (dm) 4. of the statutes is created to read:

23.33 (2) (dm) 4. Paragraphs (i), (ig), and (ir) do not apply to commercial all-terrain vehicle certificates or reflectorized plates.

**SECTION 1052.** 23.33 (2) (h) (title) of the statutes is repealed.

**SECTION 1053.** 23.33 (2) (h) of the statutes is renumbered 23.33 (2) (p) 2. and amended to read:

23.33 (2) (p) 2. The department shall may establish by rule additional procedures and requirements for all-terrain vehicle registration.

**SECTION 1054.** 23.33 (2) (i) (intro.) of the statutes is amended to read:

23.33 (2) (i) **Registration; appointment of agents issuers.** (intro.) For the issuance of all-terrain vehicle registration certificates original or duplicate...
registration documentation and for the transfer or renewal of registration
documentation, the department may do any of the following:

SECTION 1054. 23.33 (2) (i) 1. of the statutes is amended to read:

23.33 (2) (i) 1. Directly issue the certificates, transfer, or renew the registration
documentation with or without using the expedited service specified in par. (ig) 1.

SECTION 1055. 23.33 (2) (i) 2. of the statutes is repealed.

SECTION 1056. 23.33 (2) (i) 3. of the statutes is amended to read:

23.33 (2) (i) 3. Appoint persons who are not employees of the department as
agents of the department to issue the certificate as agents of the department,
transfer, or renew the registration documentation using either or both of the
expedited services specified in par. (ig) 1.

SECTION 1057. 23.33 (2) (ig) of the statutes is created to read:

23.33 (2) (ig) Registration; methods of issuance. 1. For the issuance of original
or duplicate registration documentation and for the transfer or renewal of
registration documentation, the department may implement either or both of the
following expedited procedures to be provided by the department and any agents
appointed under par. (i) 3.:

a. A noncomputerized procedure under which the department or agent may
accept applications for registration certificates and issue a validated registration
receipt at the time the applicant submits the application accompanied by the
required fees.

b. A computerized procedure under which the department or agent may accept
applications for registration documentation and issue to each applicant all or some
of the items of the registration documentation at the time the applicant submits the
application accompanied by the required fees.
2. Under either procedure under subd. 1., the applicant shall receive any
remaining items of registration documentation directly from the department at a
later date. The items of registration documentation issued at the time of the
submittal of the application under either procedure shall be sufficient to allow the
all-terrain vehicle for which the application is submitted to be operated in
compliance with the registration requirements under this subsection.

SECTION 1059. 23.33 (2) (ir) of the statutes is created to read:

23.33 (2) (ir) Fees. 1. In addition to the applicable fee under par. (c), (d), or (e),
each agent appointed under par. (i) 3. shall collect an expedited service fee of $3 each
time the agent issues a validated registration receipt under par. (ig) 1. a. The agent
shall retain the entire amount of each expedited service fee the agent collects.

2. In addition to the applicable fee under par. (c), (d), or (e), the department or
the agent appointed under par. (i) 3. shall collect an expedited service fee of $3 each
time the expedited service under par. (ig) 1. b. is provided. The agent shall remit to the
department $1 of each expedited service fee the agent collects.

SECTION 1060. 23.33 (2) (j) of the statutes is repealed.

SECTION 1061. 23.33 (2) (k) of the statutes is repealed.

SECTION 1062. 23.33 (2) (L) of the statutes is repealed.

SECTION 1063. 23.33 (2) (m) of the statutes is repealed.

SECTION 1064. 23.33 (2) (n) of the statutes is repealed.

SECTION 1065. 23.33 (2) (o) of the statutes is amended to read:

23.33 (2) (o) Renewals; remittal Receipt of fees. An agent appointed under par.
(m) shall remit to the department $2 of each $3 fee collected under par. (n). Any All
fees remitted to or collected by the department under par. (L) or (n) (ir) shall be
credited to the appropriation account under s. 20.370 (9) (hu).
SECTION 1066. 23.33 (2) (p) (title) and 1. of the statutes are created to read:

23.33 (2) (p) (title) Rules. 1. The department may promulgate rules to establish eligibility and other criteria for the appointment of agents under par. (i) 3. and to regulate the activities of these agents.

SECTION 1067. 23.50 (1) of the statutes is amended to read:

23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, penalty assessments, law enforcement training fund assessments, jail assessments, applicable weapons assessments, applicable environmental assessments, applicable wild animal protection assessments, applicable natural resources assessments, applicable fishing shelter removal assessments, applicable snowmobile registration restitution payments, and applicable natural resources restitution payments for violations of ss. 77.09, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81, and 299.64 (2), subch. VI of ch. 77, this chapter and chs. 26 to 31 and of ch. 350, and any administrative rules promulgated thereunder, violations specified under s. 285.86, violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k), or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

SECTION 1068. 23.50 (2) of the statutes is amended to read:

23.50 (2) All actions to recover these forfeitures, penalty assessments, law enforcement training fund assessments, jail assessments, applicable weapons assessments, applicable environmental assessments, applicable wild animal protection assessments, applicable natural resources assessments, applicable fishing shelter removal assessments, applicable snowmobile registration restitution payments, and applicable natural resources restitution payments are civil actions
in the name of the state of Wisconsin, shall be heard in the circuit court for the county
where the offense occurred, and shall be recovered under the procedure set forth in
ss. 23.50 to 23.85.

SECTION 1069. 23.50 (3) of the statutes is amended to read:

23.50 (3) All actions in municipal court to recover forfeitures, penalty
assessments, law enforcement training fund assessments, and jail assessments for
violations of local ordinances enacted by any local authority in accordance with s.
23.33 (11) (am) or 30.77 shall utilize the procedure in ch. 800. The actions shall be
brought before the municipal court having jurisdiction. Provisions relating to
citations, arrests, questioning, releases, searches, deposits, and stipulations of no
contest in ss. 23.51 (1), (3), and (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67 shall
apply to violations of such ordinances.

SECTION 1070. 23.51 (3t) of the statutes is created to read:

23.51 (3t) “Law enforcement training fund assessment” means the assessment
imposed under s. 165.87 (1).

SECTION 1071. 23.51 (8) of the statutes is amended to read:

23.51 (8) “Violation” means conduct which is prohibited by state law or
municipal ordinance and punishable by a forfeiture, a penalty assessment, a law
enforcement training fund assessment, a jail assessment, and a crime laboratories
and drug law enforcement assessment.

SECTION 1072. 23.53 (1) of the statutes is amended to read:

23.53 (1) The citation created under this section shall, in all actions to recover
forfeitures, penalty assessments, law enforcement training fund assessments, jail
assessments, applicable weapons assessments, applicable environmental
assessments, applicable wild animal protection assessments, applicable natural
resources assessments, applicable fishing shelter removal assessments, applicable snowmobile registration restitution payments, and applicable natural resources restitution payments for violations of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and any rule of the Kickapoo reserve management board under s. 41.41 (7) (k) be used by any law enforcement officer with authority to enforce those laws, except that the uniform traffic citation created under s. 345.11 may be used by a traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law enforcement agency of a municipality or county or a traffic officer employed under s. 110.07 in enforcing s. 287.81. In accordance with s. 345.11 (1m), the citation shall not be used for violations of ch. 350 relating to highway use. The citation may be used for violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or 30.77.

SECTION 1073. 23.54 (3) (e) of the statutes is amended to read:

23.54 (3) (e) The maximum forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, applicable weapons assessment, applicable environmental assessment, applicable wild animal protection assessment, applicable natural resources assessment, applicable fishing shelter removal assessment, applicable snowmobile registration restitution payment, and applicable natural resources restitution payment for which the defendant might be found liable.

SECTION 1074. 23.54 (3) (i) of the statutes is amended to read:

23.54 (3) (i) Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a law enforcement training fund assessment, a jail assessment, a crime laboratories
and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

**SECTION 1075.** 23.54 (3) (j) of the statutes is amended to read:

23.54 (3) (j) Notice that, if the defendant makes a deposit and signs the stipulation, the defendant will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a law enforcement training fund assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and stipulation, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effects of the stipulation.

**SECTION 1076.** 23.55 (1) (b) of the statutes is amended to read:
23.55 (1) (b) A plain and concise statement of the violation identifying the event or occurrence from which the violation arose and showing that the plaintiff is entitled to relief, the statute upon which the cause of action is based, and a demand for a forfeiture, the amount of which shall not exceed the maximum set by the statute involved, a penalty assessment, a law enforcement training fund assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, any applicable natural resources restitution payment, and any other relief that is sought by the plaintiff.

SECTION 1077. 23.66 (2) of the statutes is amended to read:

23.66 (2) The person receiving the deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a law enforcement training fund assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, any applicable natural resources restitution payment, and any other relief that is sought by the plaintiff.
the court may accept. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, share draft, or other draft, the check, share draft, or other draft or a microfilm copy of the check, share draft, or other draft shall be considered a receipt. If the defendant makes the deposit by use of a credit card, the credit charge receipt shall be considered a receipt.

**SECTION 1077.** 23.66 (4) of the statutes is amended to read:

23.66 (4) The basic amount of the deposit shall be determined in accordance with a deposit schedule that the judicial conference shall establish. Annually, the judicial conference shall review and may revise the schedule. In addition to the basic amount determined according to the schedule, the deposit shall include court costs, including any applicable fees prescribed in ch. 814, any applicable penalty assessment, any applicable law enforcement training fund assessment, any applicable jail assessment, any applicable crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, and any applicable natural resources restitution payment.

**SECTION 1078.** 23.67 (2) of the statutes is amended to read:

23.67 (2) The deposit and stipulation of no contest may be made at any time prior to the court appearance date. By signing the stipulation, the defendant is deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment, a law enforcement training fund assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal
protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit.

SECTION 1080. 23.67 (3) of the statutes is amended to read:

23.67 (3) The person receiving the deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court or municipal court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be deemed to have submitted to a forfeiture, a penalty assessment, a law enforcement training fund assessment, a jail assessment, a crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, and any applicable natural resources restitution payment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as in s. 23.66.

SECTION 1081. 23.75 (3) (a) 2. of the statutes is amended to read:

23.75 (3) (a) 2. If the court considers the nonappearance to be a plea of no contest and enters judgment accordingly, the court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow the defendant not less than 20 working days from the date the judgment copy or notice is mailed to pay
the forfeiture, penalty assessment, law enforcement training fund assessment, jail
assessment, and crime laboratories and drug law enforcement assessment, any
applicable weapons assessment, any applicable environmental assessment, any
applicable wild animal protection assessment, any applicable natural resources
assessment, any applicable fishing shelter removal assessment, any applicable
snowmobile registration restitution payment, and any applicable natural resources
restitution payment plus costs, including any applicable fees prescribed in ch. 814.

**SECTION 1082.** 23.75 (3) (b) of the statutes is amended to read:

23.75 (3) (b) If the defendant has made a deposit, the citation may serve as the
initial pleading and the defendant shall be deemed to have tendered a plea of no
contest and submitted to a forfeiture, a penalty assessment, a law enforcement
training fund assessment, a jail assessment, a crime laboratories and drug law
enforcement assessment, any applicable weapons assessment, any applicable
environmental assessment, any applicable wild animal protection assessment, any
applicable natural resources assessment, any applicable fishing shelter removal
assessment, any applicable snowmobile registration restitution payment, and any
applicable natural resources restitution payment plus any applicable fees prescribed
in ch. 814, not exceeding the amount of the deposit. The court may either accept the
plea of no contest and enter judgment accordingly, or reject the plea and issue a
summons. If the defendant fails to appear in response to the summons, the court
shall issue an arrest warrant. If the court accepts the plea of no contest, the
defendant may move within 90 days after the date set for appearance to withdraw
the plea of no contest, open the judgment, and enter a plea of not guilty if the
defendant shows to the satisfaction of the court that failure to appear was due to
mistake, inadvertence, surprise, or excusable neglect. If a party is relieved from the
plea of no contest, the court or judge may order a written complaint to be filed and
set the matter for trial. After trial the costs and fees shall be taxed as provided by
law. If on reopening the defendant is found not guilty, the court shall delete the
record of conviction and shall order the defendant’s deposit returned.

**SECTION 1083.** 23.75 (3) (c) of the statutes is amended to read:

23.75 (3) (c) If the defendant has made a deposit and stipulation of no contest,
the citation may serve as the initial pleading and the defendant shall be deemed to
have tendered a plea of no contest and submitted to a forfeiture, a penalty
assessments, a law enforcement training fund assessment, a jail assessment, a crime
laboratories and drug law enforcement assessment, any applicable weapons
assessment, any applicable environmental assessment, any applicable wild animal
protection assessment, any applicable natural resources assessment, any applicable
fishing shelter removal assessment, any applicable snowmobile registration
restitution payments, and any applicable natural resources restitution payments plus
any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit.
The court may either accept the plea of no contest and enter judgment accordingly,
or reject the plea and issue a summons. If the defendant fails to appear in response
to the summons, the court shall issue an arrest warrant. After signing a stipulation
of no contest, the defendant may, at any time prior to or at the time of the court
appearance date, move the court for relief from the effect of the stipulation. The court
may act on the motion, with or without notice, for cause shown by affidavit and upon
just terms, and relieve the defendant from the stipulation and the effects thereof.
If the defendant is relieved from the stipulation of no contest, the court may order
a citation or complaint to be filed and set the matter for trial. After trial the costs
and fees shall be taxed as provided by law.
SECTION 1084. 23.79 (1) of the statutes is amended to read:

23.79 (1) If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture provided by the statute for the violation, the penalty assessment, the law enforcement training fund assessment, the jail assessment, the crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, any applicable natural resources restitution payment, and for costs.

SECTION 1085. 23.80 (2) of the statutes is amended to read:

23.80 (2) Upon default of the defendant corporation or municipality, or upon conviction, judgment for the amount of the forfeiture, the penalty assessment, the law enforcement training fund assessment, the jail assessment, the crime laboratories and drug law enforcement assessment, any applicable weapons assessment, any applicable environmental assessment, any applicable wild animal protection assessment, any applicable natural resources assessment, any applicable fishing shelter removal assessment, any applicable snowmobile registration restitution payment, and any applicable natural resources restitution payment shall be entered.

SECTION 1086. 23.84 of the statutes is amended to read:

23.84 Forfeitures and assessments collected; to whom paid. Except for actions in municipal court, all moneys collected in favor of the state or a municipality for forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, applicable
weapons assessment, applicable environmental assessment, applicable wild animal
protection assessment, applicable natural resources assessment, applicable fishing
shelter removal assessment, applicable snowmobile registration restitution
payment, and applicable natural resources restitution payment shall be paid by the
officer who collects the same to the appropriate municipal or county treasurer, within
20 days after its receipt by the officer, except that all jail assessments shall be paid
to the county treasurer. In case of any failure in the payment, the municipal or
county treasurer may collect the payment from the officer by an action in the
treasurer’s name of office and upon the official bond of the officer, with interest at the
rate of 12% per year from the time when it should have been paid.

SECTION 1087. 23.85 of the statutes is amended to read:

23.85 Statement to county board; payment to state. Every county
treasurer shall, on the first day of the annual meeting of the county board of
supervisors, submit to it a verified statement of all forfeitures, penalty assessments,
law enforcement training fund assessments, jail assessments, weapons
assessments, environmental assessments, wild animal protection assessments,
natural resources assessments, fishing shelter removal assessments, snowmobile
registration restitution payments, and natural resources restitution payments
money received during the previous year. The county clerk shall deduct all expenses
incurred by the county in recovering those forfeitures, penalty assessments, law
enforcement training fund assessments, weapons assessments, environmental
assessments, wild animal protection assessments, natural resources assessments,
fishing shelter removal assessments, snowmobile registration restitution payments,
and natural resources restitution payments from the aggregate amount so received,
and shall immediately certify the amount of clear proceeds of those forfeitures,
penalty assessments, law enforcement training fund assessments, weapons assessments, environmental assessments, wild animal protection assessments, natural resources assessments, fishing shelter removal assessments, snowmobile registration restitution payments, and natural resources restitution payments to the county treasurer, who shall pay the proceeds to the state treasurer as provided in s. 59.25 (3). Jail assessments shall be treated separately as provided in s. 302.46.

**SECTION 1088.** 24.60 (1v) of the statutes is created to read:

24.60 (1v) Federated public library system means a federated public library system whose territory lies within 2 or more counties.

**SECTION 1089.** 24.61 (3) (a) 11. of the statutes is created to read:

24.61 (3) (a) 11. A federated public library system, as provided under s. 43.17 (9) (b) or otherwise authorized by law.

**SECTION 1090.** 24.61 (3) (b) of the statutes is amended to read:

24.61 (3) (b) Terms; conditions. A municipality or, cooperative educational service agency, or federated public library system may obtain a state trust fund loan for the sum of money, for the time and upon the conditions as may be agreed upon between the board and the borrower, subject to the limitations, restrictions, and conditions set forth in this subchapter.

**SECTION 1091.** 24.63 (2r) of the statutes is created to read:

24.63 (2r) Federated public library system loans. A state trust fund loan to a federated public library system may be made for any term, not exceeding 20 years, that is agreed upon between the federated public library system and the board and may be made for a total amount that, together will all other indebtedness of the federated public library system, does not exceed the federated public library system’s allowable indebtedness under s. 43.17 (9) (b).
**SECTION 1092.** 24.66 (3) (b) of the statutes is amended to read:

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

**SECTION 1093.** 24.66 (3v) of the statutes is created to read:

24.66 (3v) *For federated public library systems.* An application for a loan by a federated public library system shall be accompanied by a certified copy of a resolution of the board of the federated public library system approving the loan.

**SECTION 1094.** 24.66 (4) of the statutes is renumbered 24.66 (4) (a) and amended to read:

24.66 (4) (a) If any municipality other than a school district is not empowered by law to incur indebtedness for a particular purpose without first submitting the question to its electors, the application for a state trust fund loan for that purpose must be approved and authorized by a majority vote of the electors at a special election called, noticed and held in the manner provided for other special elections. The question to be voted on shall be filed as provided in s. 8.37. The notice of the election shall state the amount of the proposed loan and the purpose for which it will be used.

**SECTION 1095.** 24.66 (4) (b) of the statutes is created to read:

24.66 (4) (b) If any school district is not empowered by law to incur indebtedness for a particular purpose without first submitting the question to its
electors, the application for a state trust fund loan for that purpose must be approved and authorized by a majority vote of the electors at the next regularly scheduled spring election or general election that occurs not sooner than 42 days after the filing of the resolution under sub. (5) or at a special election held on the Tuesday after the first Monday in November in an odd-numbered year if that date occurs not sooner than 42 days after the filing of the resolution under sub. (5). The referendum shall be called, noticed, and held in the manner provided for other referenda. The notice of the referendum shall state the amount of the proposed loan and the purpose for which it will be used.

Section 1096. 24.67 (1) (intro.) of the statutes is amended to read:

24.67 (1) (intro.) If the board approves the application, it shall cause certificates of indebtedness to be prepared in proper form and transmitted to the municipality or cooperative educational service agency, or federated public library system submitting the application. The certificate of indebtedness shall be executed and signed:

Section 1097. 24.67 (1) (m) of the statutes is created to read:

24.67 (1) (m) For a federated public library system, by its president.

Section 1098. 24.67 (2) (h) of the statutes is created to read:

24.67 (2) (h) For a federated public library system, by a member of the federated public library system board designated by that board who is not the president of that board.

Section 1099. 24.67 (3) of the statutes is amended to read:

24.67 (3) If a municipality has acted under subs. (1) and (2), it shall certify that fact to the department of administration. Upon receiving a certification from a municipality, or upon direction of the board if a loan is made to a cooperative
educational service agency or a federated public library system, the secretary of
administration shall draw a warrant upon the state treasurer for the amount of the
loan, payable to the treasurer of the municipality or, cooperative educational service
agency, or federated public library system making the loan or as the treasurer of the
municipality or, cooperative educational service agency, or federated public library
system directs. The certificate of indebtedness shall then be conclusive evidence of
the validity of the indebtedness and that all the requirements of law concerning the
application for the making and acceptance of the loan have been complied with.

SECTION 1100. 24.70 (1) of the statutes is amended to read:

24.70 (1) APPLICABILITY. This section applies to all outstanding state trust fund
loans to borrowers other than school districts and federated public library systems.

SECTION 1101. 24.715 of the statutes is created to read:

24.715 Collections from federated public library systems. (1)

APPLICABILITY. This section applies to all outstanding trust fund loans to federated
public library systems.

(2) CERTIFIED STATEMENT. If a federated public library system has a state trust
fund loan, the board shall transmit to the system board a certified statement of the
amount due on or before October 1 of each year until the loan is paid. The board shall
furnish a copy of each certified statement to the state treasurer and the department
of public instruction.

(3) PAYMENT TO STATE TREASURER. The system board shall transmit to the state
treasurer on its own order the full amount levied for state trust fund loans within 15
days after March 15. The state treasurer shall notify the board when he or she
receives payment. Any payment not made by March 30 is delinquent and is subject
to a penalty of one percent per month or fraction thereof, to be paid to the state
treasurer with the delinquent payment.

(4) Failure to make payment. If the system board fails to remit the amounts
due under sub. (3), the state superintendent, upon certification of delinquency by the
board, shall deduct the amount due including any penalty from any aid payments
due the system, shall remit such amount to the state treasurer and, no later than
June 15, shall notify the system board and the board to that effect.

SECTION 1102. 25.14 (1) (a) 15. of the statutes is created to read:

25.14 (1) (a) 15. The permanent endowment fund.

SECTION 1103. 25.15 (2) (intro.) of the statutes is amended to read:

25.15 (2) Standard of responsibility. (intro.) The Except as provided in s.

25.18 (1) (p), the standard of responsibility applied to the board when it invests
money or property shall be all of the following:

SECTION 1104. 25.17 (1) (ag) of the statutes is created to read:

25.17 (1) (ag) Agricultural producer security fund (s. 25.463);

SECTION 1105. 25.17 (1) (ee) of the statutes is repealed.

SECTION 1106. 25.17 (1) (eq) of the statutes is created to read:

25.17 (1) (eq) Farm rewiring fund (s. 25.98);

SECTION 1107. 25.17 (1) (f) of the statutes is repealed.

SECTION 1108. 25.17 (1) (jv) of the statutes is created to read:

25.17 (1) (jv) Medical assistance trust fund (s. 25.77);

SECTION 1109. 25.17 (1) (kr) of the statutes is created to read:

25.17 (1) (kr) Permanent endowment fund (s. 25.69);

SECTION 1110. 25.17 (1) (te) of the statutes is created to read:

25.17 (1) (te) Tax relief fund (s. 25.63);
SECTION 1111. 25.17 (16) of the statutes is created to read:

25.17 (16) (a) Annually, after June 1 but not later than June 15, beginning in 2004, calculate the amount of moneys that are available in the permanent endowment fund for transfer to the general fund under s. 16.519. For the purpose of this calculation, moneys that are available in the permanent endowment fund for transfer to the general fund shall equal the sum of the following:

1. An amount that equals 8.5% of the market value of the investments in the permanent endowment fund on June 1. For the purpose of making the calculation under this subdivision, the board shall not include any amounts or investments specified in subds. 2. and 3.

2. All proceeds of, and investment earnings on, investments of the permanent endowment fund made at the direction of the secretary of administration under s. 25.18 (1) (p) that are received in the fiscal year.

3. All other amounts identified by the secretary of administration as payments of residual interests to the state from the sale of the state’s right to receive payments under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, that are received in the fiscal year.

(b) Annually, beginning in 2004, submit to the secretary of administration and to the chief clerk of each house, for distribution to the appropriate standing committees under s. 13.172 (3), a report specifying the amount of moneys that are available in the permanent endowment fund for transfer to the general fund under s. 16.519.

SECTION 1112. 25.18 (1) (o) of the statutes is created to read:

25.18 (1) (o) Invest any of the assets of the permanent endowment fund in any investment that is an authorized investment for assets in the fixed retirement
investment trust under s. 25.17 (4) or assets in the variable retirement investment trust under s. 25.17 (5).

SECTION 1113. 25.18 (1) (p) of the statutes is created to read:

25.18 (1) (p) 1. If directed by the secretary of administration, invest any of the assets in the permanent endowment fund in any of the following:

a. Evidences of indebtedness, including subordinated obligations, that are secured by tobacco settlement revenues, as defined in s. 16.63 (1) (c), and that are issued by a corporation or company established under s. 16.63 (3) or 231.215 or by the Wisconsin health and educational facilities authority.

b. Certificates or other evidences of ownership interest in all or any portion of tobacco settlement revenues, as defined in s. 16.63 (1) (c).

2. If directed by the secretary of administration to make the investments under subd. 1., the board shall invest the assets under that subdivision subject to any terms and conditions specified by the secretary and shall not be subject to the standard of responsibility under s. 25.15 (2).

SECTION 1114. 25.29 (3) (intro.) of the statutes is renumbered 25.29 (3) and amended to read:

25.29 (3) Funds accruing to the conservation fund from license fees paid by hunters and from sport and recreation fishing license fees shall not be diverted for any other purpose than those provided by the department, except: the administration of the department when it is exercising its responsibilities that are specific to the management of the fish and wildlife resources of this state.

SECTION 1115. 25.29 (3) (a) of the statutes is repealed.

SECTION 1116. 25.29 (3) (b) of the statutes is repealed.

SECTION 1117. 25.29 (3) (c) of the statutes is repealed.
SECTION 1118. 25.29 (4m) of the statutes is amended to read:

25.29 (4m) Notwithstanding sub. (3), no moneys that accrue to the state for or in behalf of the department under ch. 29 may be expended or paid for the enforcement of the treaty-based, off-reservation rights to fish held by members of federally recognized American Indian tribes or bands domiciled in Wisconsin.

SECTION 1119. 25.29 (6) of the statutes is amended to read:

25.29 (6) All moneys received from the United States for fire prevention and control, forest planting, and other forestry activities, and for wildlife restoration projects and fish restoration and management projects, and for other purposes, and as provided in s. 29.037, shall be devoted to the purposes for which these moneys are received.

SECTION 1120. 25.36 (1) of the statutes is amended to read:

25.36 (1) Except as provided in sub. (2), all moneys appropriated or transferred by law shall constitute the veterans trust fund which shall be used for the veterans programs under ss. 20.485 (2) (m), (mn), (tm), (u), (v), (vo), (w), (z), and (zm), 45.01, 45.014, 45.25, 45.351 (1), 45.353, 45.356, 45.357, 45.396, 45.397, and 45.43 (7) and administered by the department of veterans affairs, including all moneys received from the federal government for the benefit of veterans or their dependents; all moneys paid as interest on and repayment of loans under the post-war rehabilitation fund; soldiers rehabilitation fund, veterans housing funds as they existed prior to July 1, 1961; all moneys paid as interest on and repayment of loans under this fund; all moneys paid as expenses for, interest on, and repayment of veterans trust fund stabilization loans under s. 45.356, 1995 stats.; all moneys paid as expenses for, interest on, and repayment of veterans personal loans; the net proceeds from the sale of mortgaged properties related to veterans personal loans;
all mortgages issued with the proceeds of the 1981 veterans home loan revenue bond issuance purchased with moneys in the veterans trust fund; all moneys received from the state investment board under s. 45.356 (9) (b); all moneys received from the veterans mortgage loan repayment fund under s. 45.79 (7) (a) and (c); and all gifts of money received by the board of veterans affairs for the purposes of this fund.

SECTION 1121. 25.40 (1) (a) 4m. of the statutes is created to read:

25.40 (1) (a) 4m. Moneys received from telecommunications providers or cable telecommunications service providers that are deposited in the general fund and credited to the appropriation account under s. 20.395 (3) (jh).

SECTION 1122. 25.40 (1) (a) 21. of the statutes is created to read:

25.40 (1) (a) 21. Moneys received as payment for losses of and damage to state property for costs associated with repair or replacement of such property that are deposited in the general fund and credited to the appropriation account under s. 20.395 (3) (jj).

SECTION 1123. 25.40 (1) (cd) of the statutes is created to read:

25.40 (1) (cd) Taxes on the sale and use of noncommercial aircraft under ch. 77 as determined under s. 77.65.

SECTION 1124. 25.44 of the statutes is repealed.

SECTION 1125. 25.46 (1k) of the statutes is created to read:

25.46 (1k) The moneys transferred under s. 20.505 (8) (hm) 20.

SECTION 1126. 25.46 (1m) of the statutes is repealed.

SECTION 1127. 25.46 (20) of the statutes is created to read:

25.46 (20) All moneys received in settlement of actions initiated under 42 USC 9601 to 9675 for environmental management.

SECTION 1128. 25.463 of the statutes is created to read:
25.463 Agricultural producer security fund. There is established a separate nonlapsible trust fund designated as the agricultural producer security fund, to consist of all fees, surcharges, assessments, reimbursements, and proceeds of surety bonds received by the department of agriculture, trade and consumer protection under ch. 126.

Section 1129. 25.47 (7) of the statutes is created to read:

25.47 (7) The fees imposed under s. 101.09 (3) (d).

Section 1130. 25.50 (3) (b) of the statutes is amended to read:

25.50 (3) (b) On the dates specified and to the extent to which they are available, subject to s. 16.53 (10), funds payable to local governments under ss. 79.03, 79.04, 79.05, 79.058, 79.06, 79.065, 79.08, and 79.10 shall be considered local funds and, pursuant to the instructions of local officials, may be paid into the separate accounts of all local governments established in the local government pooled-investment fund and, pursuant to the instructions of local officials, to the extent to which they are available, be disbursed or invested.

Section 1131. 25.60 of the statutes is repealed and recreated to read:

25.60 Budget stabilization fund. There is created a separate nonlapsible trust fund designated as the budget stabilization fund, consisting of moneys transferred to the fund from the general fund under s. 16.518 (3).

Section 1132. 25.61 of the statutes is amended to read:

25.61 VendorNet fund. There is created a separate nonlapsible trust fund designated as the VendorNet fund consisting of all revenues accruing to the state from fees assessed under ss. 16.701 and 16.702 (1) and from gifts, grants, and bequests made for the purposes of ss. 16.701 and 16.702 (1) and moneys transferred to the fund from other funds.
SECTION 1133. 25.63 of the statutes is created to read:

25.63 Tax relief fund. There is created a separate nonlapsible trust fund designated as the tax relief fund, consisting of moneys transferred to the fund from the general fund under s. 16.518 (4).

SECTION 1134. 25.66 (1) of the statutes is renumbered 25.66 (1) (intro.) and amended to read:

25.66 (1) (intro.) There is created a separate nonlapsible trust fund, known as the tobacco control fund, to consist of, in fiscal year 1999–2000, the following:

(a) The first $23,500,000 of the moneys received in fiscal year 1999–2000 under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

SECTION 1135. 25.66 (1) (b) of the statutes is created to read:

25.66 (1) (b) Except as provided in sub. (1m) (a), the first $12,006,400 of the moneys received in fiscal year 2001–02 under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

SECTION 1136. 25.66 (1) (c) of the statutes is created to read:

25.66 (1) (c) Except as provided in sub. (1m) (a), the first $21,169,200 of the moneys received in fiscal year 2002–03 under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

SECTION 1137. 25.66 (1m) of the statutes is created to read:

25.66 (1m) (a) If the state has not received in fiscal year 2001–02 at least $12,006,400 under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, because the secretary of administration, under s. 16.63, has sold the state’s right to receive payments under the Agreement, the tobacco control fund
shall also consist of any moneys transferred to the tobacco control fund from the
general fund under s. 16.519 (3).

(b) If the state has not received in fiscal year 2002–03 at least $21,169,200
under the Attorneys General Master Tobacco Settlement Agreement of
November 23, 1998, because the secretary of administration, under s. 16.63, has sold
the state’s right to receive payments under the Agreement, the tobacco control fund
shall also consist of any moneys transferred to the tobacco control fund from the
general fund under s. 16.519 (4).

SECTION 1138. 25.67 (2) (b) of the statutes is amended to read:
25.67 (2) (b) All moneys in the fund that are not appropriated under s. 20.433
(1) (r) or expended under s. 20.433 (1) (q) shall continue to accumulate indefinitely.

SECTION 1139. 25.68 (4) of the statutes is created to read:
25.68 (4) All moneys received from the department of revenue under s. 49.855
that were withheld for delinquent child support, family support, or maintenance or
outstanding court-ordered amounts for past support, medical expenses, or birth
expenses.

SECTION 1140. 25.69 of the statutes is created to read:
25.69 **Permanent endowment fund.** There is established a separate
nonlapsible trust fund designated as the permanent endowment fund, consisting of
all of the proceeds from the sale of the state’s right to receive payments under the
Attorneys General Master Tobacco Settlement Agreement of November 23, 1998,
and all investment earnings on the proceeds. Moneys in the permanent endowment
fund shall be used only to make the transfers under s. 20.855 (4) (rc), (rh), (rp), and
(rv).
SECTION 1141. 25.69 of the statutes, as created by 2001 Wisconsin Act .... (this act), is amended to read:

25.69 Permanent endowment fund. There is established a separate nonlapsible trust fund designated as the permanent endowment fund, consisting of all of the proceeds from the sale of the state’s right to receive payments under the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998, and all investment earnings on the proceeds. Moneys in the permanent endowment fund shall be used only to make the transfers under s. 20.855 (4) (rc), (rh), (rp), and (rv).

SECTION 1142. 25.73 (2) of the statutes is amended to read:

25.73 (2) All moneys transferred to the fund under s. 20.245 (4) (1) (s).

SECTION 1143. 25.77 of the statutes is created to read:

25.77 Medical assistance trust fund. There is created a separate nonlapsible trust fund designated as the medical assistance trust fund, consisting of all of the following:

(1) All federal moneys received, including moneys that the department of health and family services may transfer from the appropriation under s. 20.435 (4) (o), that are related to payments under s. 49.45 (6m) and are based on public funds that are transferred or certified under 42 CFR 433.51 (b) and used as the non–federal share of medical assistance funding.

(2) All public funds that are related to payments under s. 49.45 (6m) and that are transferred or certified under 42 CFR 433.51 (b) and used as the non–federal and federal share of medical assistance funding.

SECTION 1144. 25.80 of the statutes is amended to read:
25.80 Tuition trust fund. There is established a separate nonlapsible trust fund designated as the tuition trust fund, consisting of all revenue from enrollment fees and the sale of tuition units under s. 14.63, from enrollment fees for and contributions to college savings accounts under s. 14.64, and from distributions and fees paid by the vendor under s. 16.255 (2).

SECTION 1145. 25.90 of the statutes is repealed.

SECTION 1146. 25.98 of the statutes is created to read:

25.98 Farm rewiring fund. There is established a separate nonlapsible trust fund designated as the farm rewiring fund, consisting of all moneys received under s. 196.374 (3m).

SECTION 1147. 26.08 (2) (bn) of the statutes is created to read:

26.08 (2) (bn) The department may lease state park land located within the boundaries of the Wisconsin Dells natural area for terms not exceeding 30 years.

SECTION 1148. 26.11 (7) (a) of the statutes is amended to read:

26.11 (7) (a) Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered balances in the appropriation accounts under s. 20.370 (1) (cs) and (mz) exceeds $500,000 $1,000,000 on June 30 of any fiscal year, the amount in excess of $500,000 $1,000,000 shall lapse from the appropriation account under s. 20.370 (1) (cs) to the conservation fund, except as provided in par. (b).

SECTION 1149. 26.145 (1) of the statutes is amended to read:

26.145 (1) GRANTS. The department shall establish a program to award grants for up to 50% of the cost of acquiring fire resistant clothing for suppressing fires and, of acquiring fire suppression supplies, equipment, and vehicles, of acquiring fire prevention materials, and of training fire fighters in forest fire suppression techniques.
SECTION 1150. 27.01 (7) (f) 1. of the statutes is amended to read:

27.01 (7) (f) 1. Except as provided in par. (gm), the fee for an annual vehicle admission receipt is $17.50 $19.50 for each vehicle which has Wisconsin registration plates, except that no fee is charged for a receipt issued under s. 29.235 (6).

SECTION 1151. 27.01 (7) (g) 1. of the statutes is amended to read:

27.01 (7) (g) 1. Except as provided in par. (gm), the fee for an annual vehicle admission receipt is $24.50 $29.50 for any vehicle which has a registration plate or plates from another state, except that no fee is charged for a receipt issued under s. 29.235 (6).

SECTION 1152. 27.01 (7) (g) 2. of the statutes is amended to read:

27.01 (7) (g) 2. Except as provided in subds. 3. and 4., the fee for a daily vehicle admission receipt for any vehicle which has a registration plate or plates from another state is $6.85 $9.85.

SECTION 1153. 27.01 (7) (gm) 1. of the statutes is amended to read:

27.01 (7) (gm) 1. Instead of the fees under pars. (f) 1. and (g) 1., the department shall charge an individual $8.50 $9.50 or $12 $14.50, respectively, for an annual vehicle admission receipt if the individual applying for the receipt or a member of his or her household owns a vehicle for which a current annual vehicle admission receipt has been issued for the applicable fee under par. (f) 1. or (g) 1.

SECTION 1154. 29.001 (20) of the statutes is created to read:

29.001 (20) “Deer” means white–tailed deer and does not include farm–raised deer.

SECTION 1155. 29.001 (22) of the statutes is created to read:
29.001 (22) “Elk” means elk that is present in the wild and that does not have an ear tag or other mark identifying it as being raised on a farm.

**SECTION 1156.** 29.001 (36) of the statutes is amended to read:

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

**SECTION 1157.** 29.024 (4) (b) of the statutes is amended to read:

29.024 (4) (b) *Name; description; signature.* Each license or permit issued shall contain the name and address of the holder, a description of the holder and other information required by the department. Each license or permit shall, if required by the department under sub. (5) (a) 1., bear upon its face the signature of the holder and the date of issuance and shall be signed by the issuing agent. Each stamp shall, if required by the department under sub. (5) (a) 1., bear upon its face the signature of the holder. The department may apply any of the requirements of this subsection to other forms or approvals.

**SECTION 1158.** 29.024 (9) of the statutes is amended to read:

29.024 (9) *TAGS.* The department shall provide all tags required under this chapter and shall specify their form and numbering of all tags required under this chapter.

**SECTION 1159.** 29.037 of the statutes is amended to read:

29.037 *Fish and wildlife restoration.* This state assents to the provisions of the acts of congress entitled “An act to provide that the United States shall aid the states in wildlife restoration projects, and for other purposes,” approved September 2, 1937 (Public Law No. 415, 75th Congress), and “An act to provide that the United States shall aid the states in fish restoration management projects, and for other purposes,” approved August 9, 1950 (Public Law No. 681, 81st Congress).
SECTION 1159. 16 USC 669 to 669i and 777 to 777L. The department is authorized and directed to perform any acts necessary to establish cooperative wildlife restoration projects and cooperative fish restoration and management projects, as defined in the acts of congress, in compliance with the acts these federal provisions and with regulations promulgated by the secretary of the interior. No funds accruing to this state from license fees paid by hunters and from sport and recreation fishing license fees may be diverted for any other purpose than those provided by the department the administration of the department when it is exercising its responsibilities that are specific to the management of the fish and wildlife resources of this state.

SECTION 1160. 29.038 (1) (a) of the statutes is amended to read:

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

SECTION 1161. 29.047 (1m) of the statutes is amended to read:

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

SECTION 1162. 29.089 (3) of the statutes is amended to read:

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

SECTION 1163. 29.161 of the statutes is amended to read:
29.161 **Resident small game hunting license.** A resident small game hunting license shall be issued subject to s. 29.024 by the department to any resident applying for this license. The resident small game hunting license does not authorize the hunting of bear, deer, elk, or wild turkey.

**SECTION 1164.** 29.171 (2) of the statutes is amended to read:

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

**SECTION 1165.** 29.182 of the statutes is created to read:

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

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

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

(4) Issuance. (a) Except as provided in pars. (b), (c), and (d), if the department issues elk hunting licenses, the department shall issue a resident or nonresident elk hunting license to any person who applies for such a license, and who pays the fees required for the license, subject to s. 29.024 (2g).

(b) If the number of applicants for resident elk hunting licenses exceeds the number of resident elk hunting licenses available, the department shall select at random the residents to be issued the licenses. If the number of applicants for nonresident elk hunting licenses exceeds the number of nonresident elk hunting licenses available, the department shall select at random the nonresidents to be issued the licenses. The department may make available only to residents up to 99% of all elk hunting licenses that are available in a given year.

(c) The department shall issue a notice of approval to each person who is selected at random under par. (b) to be issued an elk hunting license. The department shall issue a license to each person who receives a notice of approval under this paragraph and who pays the fees required for the license, subject to s. 29.024 (2g).

(d) A person may be issued only one elk hunting license in his or her lifetime, and the elk hunting license shall be valid for only one elk hunting season.

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

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

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

SECTION 1166. 29.204 of the statutes is amended to read:

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

SECTION 1167. 29.207 of the statutes is amended to read:

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

SECTION 1168. 29.213 of the statutes is amended to read:

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

**SECTION 1169.** 29.216 (2) of the statutes is amended to read:

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

**SECTION 1170.** 29.314 (3) (title) of the statutes is amended to read:

29.314 (3) (title) **Shining deer, elk, or bear while hunting or possessing weapons prohibited.**

**SECTION 1171.** 29.314 (3) (a) of the statutes is amended to read:

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

**SECTION 1172.** 29.347 (title) of the statutes is amended to read:

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

**SECTION 1173.** 29.347 (2) of the statutes is amended to read:

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

**Section 1174.** 29.347 (2m) (a) of the statutes is amended to read:

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

**Section 1175.** 29.347 (2m) (b) of the statutes is amended to read:

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

**Section 1176.** 29.347 (3) of the statutes is amended to read:

29.347 (3) Heads and skins. The head and skin of any deer or elk lawfully killed, when severed from the rest of the carcass, are not subject to this chapter; but no person shall have possession or control of the green head or green skin of a deer or elk during the period beginning 30 days after the close of the open deer applicable season and the opening of the succeeding applicable season, or Unless authorized by the department, no person may at any time have possession or control of a deer or elk head in the velvet, or a deer or elk skin in the red, blue, or spotted coat.

**Section 1177.** 29.347 (4) of the statutes is amended to read:
29.347 (4) Antlers removed or broken. Any deer taken during an open season for hunting antlered deer only or for hunting antlerless deer only from which the antlers have been removed, broken, shed, or altered so as to make determination of the legality of the deer impossible is an illegal deer if the deer is taken during an open season for hunting only antlered deer or during an open season for hunting only antlerless deer. Any elk from which the antlers have been removed, broken, shed, or altered so as to make determination of the legality of the elk impossible is an illegal elk if the elk is taken during an open season for hunting only antlered elk or during an open season for hunting antlerless elk.

SECTION 1178. 29.347 (6) of the statutes is repealed.

SECTION 1179. 29.361 (title) of the statutes is amended to read:

29.361 (title) Transportation of deer or elk.

SECTION 1180. 29.361 (1) of the statutes is amended to read:

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

SECTION 1181. 29.361 (2) of the statutes is amended to read:

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

SECTION 1182. 29.361 (2m) of the statutes is amended to read:

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

SECTION 1183. 29.361 (5) of the statutes is amended to read:

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

SECTION 1184. 29.361 (6) of the statutes is repealed.

SECTION 1185. 29.539 (1) (a) 1. of the statutes is amended to read:

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

SECTION 1186. 29.541 (1) (a) 1. of the statutes is amended to read:

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

SECTION 1187. 29.553 (1) (hm) of the statutes is created to read:

29.553 (1) (hm) Elk hunting license.

SECTION 1188. 29.563 (2) (a) 5m. of the statutes is created to read:

29.563 (2) (a) 5m. Elk: $98.25.

SECTION 1189. 29.563 (2) (b) 3m. of the statutes is created to read:

29.563 (2) (b) 3m. Elk: $498.25.

SECTION 1190. 29.563 (4) (b) 1. of the statutes is amended to read:

29.563 (4) (b) 1. Sports: $248.25 $238.25 or a greater amount at the applicant’s option.

SECTION 1191. 29.563 (11) (b) 1m. of the statutes is created to read:

29.563 (11) (b) 1m. Master hunter education instruction fee: the fee as established by rule.
SECTION 1192. 29.563 (12) (a) 5. of the statutes is created to read:


SECTION 1193. 29.563 (12) (c) 2m. of the statutes is created to read:

29.563 (12) (c) 2m. Master hunter education course certificate of accomplishment: $2.

SECTION 1194. 29.563 (14) (a) 3. of the statutes is created to read:

29.563 (14) (a) 3. The processing fee for applications for elk hunting licenses: $9.75.

SECTION 1195. 29.563 (14) (c) 3. of the statutes is amended to read:

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

SECTION 1196. 29.565 of the statutes is created to read:

29.565 Voluntary contributions; venison processing and grant program. (1) Any applicant for a hunting license listed under s. 29.563 (2) (a) or (b) may, in addition to paying any fee charged for the license, elect to make a voluntary contribution of at least $1 to be used for the venison processing and donation program under s. 29.89.

(2) All moneys collected under sub. (1) shall be credited to the appropriation account under s. 20.370 (5) (ft).

SECTION 1197. 29.567 of the statutes is created to read:

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

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

SECTION 1198. 29.592 of the statutes is created to read:

29.592 Master hunter education program. (1) Establishment; program
requirements. (a) The department may establish and supervise the administration
of a master hunter education program funded from the appropriation under s. 20.370
(1) (Lv).

(b) The master hunter education program shall provide instruction on topics
that include all of the following:

1. Principles of wildlife management.
2. Responsibilities of hunters to landowners.
3. The wildlife damage abatement program and the wildlife damage claim
program under s. 29.889.
4. The provisions concerning the removal of wild animals under s. 29.885.
5. Hunting ethics and firearms safety.

(c) The master hunter education course of instruction shall consist of all of the
following components:

1. Classroom instruction.
2. Home−study instruction.
3. Volunteer work for landowners.
4. Firearm proficiency testing.

(2) Administration. The department may appoint county, regional, and
statewide directors and categories of master hunter education instructors necessary
for the program. These appointees are responsible to the department and shall serve on a voluntary basis without compensation, subject to sub. (3) (b).

(3) Instruction fee. (a) The department shall establish by rule the fee for the course of instruction under the master hunter education program.

(b) An instructor conducting the course of instruction under the master education program shall collect the fee established under par. (a) from each person receiving instruction. The department may authorize an instructor to retain up to 50% of the fee as compensation to defray expenses incurred by the instructor conducting the course. The instructor shall remit the remaining portion of the fee or, if nothing is retained, the entire fee to the department.

(4) Certificate of accomplishment. (a) The department shall issue a certificate of accomplishment to a person who successfully completes the course of instruction under the master hunter education program and who pays the instruction fee.

(b) The department shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate of accomplishment and who pays the fee specified under s. 29.563 (12) (c) 2m.

Section 1199. 29.595 of the statutes is created to read:

29.595 Elk hunter education program. (1) Establishment. The department shall establish and conduct an elk hunter education program.

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

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

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

(c) Elk biology and disease prevention.
(d) Elk hunting techniques and hunter ethics.
(e) Elk hunting zones.
(f) Rules promulgated by the department concerning elk hunting.
(g) Native American hunting.

(3) Certificate of accomplishment. (a) The department shall issue a certificate of accomplishment to a person who successfully completes the course of instruction under the elk hunter education program.
(b) Except as provided in par. (c), no person may be issued an elk hunting license unless he or she holds a valid certificate of accomplishment issued under this subsection.
(c) A person may be issued an elk hunting license if the person holds evidence that demonstrates to the satisfaction of the department that he or she has successfully completed in another state or province an elk hunter education course and if the course is recognized by the department under a reciprocity agreement with that state or province.

(4) Fee prohibited. The department may not charge a fee for the course of instruction or the certificate of accomplishment.

Section 1200. 29.604 (2) (am) of the statutes is amended to read:

29.604 (2) (am) “State agency” means a board, commission, committee, department or office in the state government or the Fox River Navigational System Authority. “State agency” does not include the department of natural resources or the office of the governor.

Section 1201. 29.607 (3) of the statutes is amended to read:

29.607 (3) License required; exceptions; wild rice identification card. Every
No person over the age of 16 and under the age of 65 shall obtain may harvest wild
rice or deal in wild rice unless the person obtains the appropriate wild rice license
to harvest or deal in wild rice but except that no license to harvest is required of the
members of the immediate family of a licensee or of a recipient of old-age assistance
or members of their immediate families person who is at least 65 years old. The
department, subject to s. 29.024 (2g) and (2r), shall issue a wild rice identification
card to each member of a licensee’s immediate family, to a recipient of old-age
assistance and to each member of the recipient’s immediate family of a person who
is at least 65 years old. The term “immediate family” includes husband and wife and
minor children having their abode and domicile with the parent or legal guardian.

**SECTION 1202.** 29.733 (3) of the statutes is created to read:

29.733 (3) A person may obtain water from a natural body of water that is not
part of a fish farm for use in a fish farm if all of the following apply:

(a) The water is transferred directly from the natural body of water to the fish
farm.

(b) Any of the water that is transferred out of the fish farm after use is
transferred directly back to the natural body from which it was obtained.

(c) The transfer of the water between the natural body of water and the fish
farm is achieved by use of a pipe, flume, ditch, or pump or by use of any combination
of these items.

(d) Any pipe, flume, or ditch that is used is equipped with barriers that prevent
the passage of fish between the fish farm and the other waters of the state.

**SECTION 1203.** 29.741 (2) of the statutes is amended to read:

29.741 (2) No person shall take, remove, sell, or transport from the public
waters of this state to any place beyond the borders of the state, any duck potato, wild
celery, or any other plant or plant product except wild rice native in said waters and
commonly known to furnish food for game birds.

**SECTION 1204.** 29.867 (1) of the statutes is renumbered 29.867 (1g) and amended to read:

29.867 (1g) The owner or lessee of lands suitable for the breeding and propagating of game, birds or game animals may, upon complying with this section, establish and maintain a game bird and animal farm for the purpose of breeding, propagating, killing, and selling game birds and game animals. All waterfowl bred, propagated, or held on a game bird and animal farm shall be enclosed within a covered enclosure by the licensee throughout the open season for hunting waterfowl in the state as required by the department.

**SECTION 1205.** 29.867 (1b) of the statutes is created to read:

29.867 (1b) “Game animal” does not include elk.

**SECTION 1206.** 29.867 (2m) of the statutes is amended to read:

29.867 (2m) If the applicant is the owner or lessee of the lands, the land is suitable for the breeding and propagating of game birds and game animals, and the applicant intends in good faith to establish and maintain a game bird and animal farm, the department shall issue a license to the applicant. The license shall describe the lands and shall authorize the licensee to breed, propagate, kill, and sell the game birds and game animals that are on the lands described in the license.

**SECTION 1207.** 29.867 (3) of the statutes is amended to read:

29.867 (3) Upon issuance, subject to s. 29.024 (2g) and (2r), of the license, the department shall appoint one person, the licensee shall appoint one person, and these 2 appointees shall select a 3rd person, to determine as accurately as possible the number of wild game birds and game animals of the desired species on the land.
at the time of the issuing of the license. The necessary expenses of these persons shall be paid by the licensee. Within 30 days after the date of the determination as approved by the department, the licensee shall pay to the department a specified sum determined by the department for those species of wild game birds and game animals on the licensed premises that are desired for propagation purposes, the title of which is in the state.

SECTION 1208. 29.867 (3g) of the statutes is amended to read:

29.867 (3g) When the payment under sub. (3g) has been made, the licensee shall become the owner of all game birds or game animals of the species licensed and of all of their offspring actually produced and remaining on the licensed premises, subject to the jurisdiction of the department over all game bird and animals.

SECTION 1209. 29.867 (5) of the statutes is amended to read:

29.867 (5) A game bird and animal farm license is prima facie evidence of the right of the licensee or the licensee’s successors or assigns, during the term of the license, to establish and maintain a game bird and animal farm on the licensed premises, and entitles the licensee, or the licensee’s successors or assigns, during the term of the license, to the exclusive right to breed and propagate game birds and game animals on the licensed premises, and to the exclusive ownership of game birds and game animals taken on the licensed premises.

SECTION 1210. 29.867 (6) (a) of the statutes is amended to read:

29.867 (6) (a) The game animals and game birds and animals, except waterfowl, may be taken at any time in any manner, subject to s. 29.314, by any person who is lawfully entitled to hunt on the licensed premises, except that such a person hunting on the licensed premises is not required to hold a hunting license. Waterfowl may only be taken under rules promulgated by the department governing
the hunting of waterfowl, except that upon written application the department may
authorize the taking of hand-reared mallards at any time within the boundaries of
a licensed game bird and animal farm in numbers not to exceed those liberated or
propagated when the department determines that only mallards liberated or
propagated by the licensee will be taken on licensed premises. The applicant shall
certify to the department that mallards liberated or propagated for hunting were
produced and reared in captivity and are more than 2 generations removed from the
wild. Hand-reared mallards may not be released for hunting purposes unless the
mallards have first been identified as the department directs. Mallards confined to
wholly enclosed pens or buildings may be taken within such pens or buildings at any
time and in any numbers.

Section 1211. 29.867 (6) (b) of the statutes is amended to read:

29.867 (6) (b) No game bird or game animal or mallards killed on the licensed
premises and no live game bird or game animal or mallards to be consumed as food
may be removed from the premises until there has been securely fastened to each
game bird or game animal a band or tag furnished by the department to the licensee
at cost. The band or tag shall remain attached to the game bird or game animal until
prepared for consumption. Live game birds and game animals may be sold or
transported. Each container carrying such live game birds or game animals shall
have attached to it a band or tag furnished by the department. Live game birds or
game animals acquired from the licensee to be consumed as food may not be kept
alive by any person beyond 48 hours from the time that the game birds or game
animals were acquired from the licensee.

Section 1212. 29.867 (6) (c) of the statutes is amended to read:
29.867 (6) (c) Whenever any game bird or game animal from a game bird and animal farm is consumed for food, the band or tag attached to the game bird or game animal shall be kept until the bird or animal is consumed.

SECTION 1213. 29.867 (7) of the statutes is amended to read:

29.867 (7) Any person other than the licensee, or a person authorized by the licensee, who hunts game birds or game animals on the licensed premises is liable to the licensee in the sum of $100, in addition to all damage which the person does to the game birds or game animals, but any action to recover damages shall be brought by the licensee.

SECTION 1214. 29.871 (1) of the statutes is renumbered 29.871 (1g).

SECTION 1215. 29.871 (1b) of the statutes is created to read:

29.871 (1b) In this section, “deer” means any type of deer except for elk and farm-raised deer.

SECTION 1216. 29.871 (1m) of the statutes is repealed.

SECTION 1217. 29.875 (title) of the statutes is amended to read:

29.875 (title) Disposal of escaped deer or elk.

SECTION 1218. 29.875 (1) of the statutes is renumbered 29.875 (1r).

SECTION 1219. 29.875 (1g) of the statutes is created to read:

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

SECTION 1220. 29.875 (2) of the statutes is amended to read:

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

SECTION 1221. 29.877 (2) (a) of the statutes is amended to read:
29.877 (2) (a) “Wild animal” means any mammal, fish, or bird of a wild nature as distinguished from domestic animals under the common law or under the statutes whether or not the mammal, fish, or bird was bred or reared in captivity, but does not include farm-raised deer of the genus dama, cervus or rangifer or farm-raised fish.

SECTION 1222. 29.877 (2g) of the statutes is created to read:

29.877 (2g) This section does not apply to farm-raised deer.

SECTION 1223. 29.877 (5m) of the statutes is created to read:

29.877 (5m) No person may exhibit an elk in a wildlife exhibit.

SECTION 1224. 29.889 (1) (f) of the statutes is created to read:

29.889 (1) (f) Elk, if hunting of elk is authorized by the department.

SECTION 1225. 29.89 (title) of the statutes is amended to read:

29.89 (title) Venison processing grants and donation program.

SECTION 1226. 29.89 (2) of the statutes is amended to read:

29.89 (2) Establishment of program. The department shall establish a program to reimburse counties for the costs that they incur in processing and donating venison from certain deer carcasses.

SECTION 1227. 29.89 (3) (b) of the statutes is amended to read:

29.89 (3) (b) The county accepts deer carcasses for processing and pays for the costs of processing.

SECTION 1228. 29.89 (3) (c) of the statutes is renumbered 29.89 (5) (b) 2. b.

SECTION 1229. 29.89 (3) (e) of the statutes is amended to read:

29.89 (3) (e) The processed venison is donated county shall make reasonable efforts to donate the venison as provided under sub. (4).

SECTION 1230. 29.89 (5) (title) of the statutes is amended to read:

29.89 (5) (title) Grants; amounts Reimbursement; funding.
SECTION 1231. 29.89 (5) (a) of the statutes is amended to read:

29.89 (5) (a) Reimbursement Subject to par. (c), reimbursement under this section shall equal the amount that it costs costs, including administrative costs, that a county to process incurs in processing the venison and in donating the processed venison under sub. (4).

SECTION 1232. 29.89 (5) (b) of the statutes is renumbered 29.89 (5) (b) 1. and amended to read:

29.89 (5) (b) 1. The department shall reimburse counties under this section from the appropriation under s. 20.370 (5) (fq) (ft).

2. c. Moneys are available under s. 20.370 (5) (fq) after first deducting from s. 20.370 (5) (fq) payments made for county administrative costs, payments made for wildlife damage abatement assistance, and wildlife damage claim payments under s. 29.889.

SECTION 1233. 29.89 (5) (b) 2. (intro.) and a. of the statutes are created to read:

29.89 (5) (b) 2. (intro.) The department shall reimburse counties under this section from the appropriation under s. 20.370 (5) (fq) if all of the following apply:

a. The total amount of reimbursable costs exceeds the amount available under s. 20.370 (5) (ft).

SECTION 1234. 29.89 (5) (c) of the statutes is amended to read:

29.89 (5) (c) If the total amount of reimbursable costs under par. (a) exceeds the amount available after making the deductions under par. (b), the department shall establish a system to prorate the reimbursement payments among the eligible counties.

SECTION 1235. 29.921 (7) of the statutes is amended to read:
29.921 (7) DOGS INJURING WILDLIFE. A warden may kill a dog found running, injuring, causing injury to, or killing, any deer, other than farm–raised deer or elk, or destroying game birds, their eggs, or nests, if immediate action is necessary to protect the deer, elk, or game birds, their nests or eggs, from injury or death.

SECTION 1236. 29.927 (8) of the statutes is amended to read:

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

SECTION 1237. 29.934 (1) (e) of the statutes is amended to read:

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

SECTION 1238. 29.971 (3m) of the statutes is amended to read:

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

SECTION 1239. 29.971 (11g) of the statutes is created to read:

29.971 (11g) (a) For hunting elk without a valid elk hunting license, for possessing an elk that does not have an elk carcass tag attached, for possessing an elk during the closed season, by a fine of not less than $1,000 nor more than $15,000 or by imprisonment for not more than 6 months or both for the first violation, or by a fine of not more than $20,000 or imprisonment for not more than one year or both for any subsequent violation. In addition, the court shall revoke all hunting and
trapping approvals issued to the person under this chapter and shall prohibit the
issuance of any new hunting and trapping approvals under this chapter to the person
for 5 years.

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

SECTION 1240. 29.977 (1) (am) of the statutes is created to read:

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

SECTION 1241. 29.977 (1) (b) of the statutes is amended to read:

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

SECTION 1242. 29.977 (1) (m) of the statutes is amended to read:

29.977 (1) (m) Any game or fur-bearing animal or bird not mentioned in pars.
(4) (am) to (h), $17.50.

SECTION 1243. 29.983 (1) (b) 1m. of the statutes is created to read:

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

SECTION 1244. 29.983 (1) (b) 2. of the statutes is amended to read:

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

SECTION 1245. 29.983 (1) (b) 13. of the statutes is amended to read:

29.983 (1) (b) 13. For any game or fur-bearing animal or bird not mentioned
in subds. 2, 1m. to 8., $17.50.

SECTION 1246. 30.10 (4) (d) of the statutes is renumbered 30.10 (4) (d) 2. and
amended to read:
30.10 (4) (d) 2. A drainage district drain located in the Duck Creek Drainage District and operated by the board for that district or any other drainage district drain that is used primarily for agricultural purposes is not navigable unless it is shown, by means of a U.S. geological survey map or other similarly reliable scientific evidence, that the drain was a navigable stream before it became a drainage district drain.

**SECTION 1247.** 30.10 (4) (d) 1. of the statutes is created to read:

30.10 (4) (d) 1. In this paragraph, “agricultural purposes” has the meaning given in s. 29.181 (1b) (a).

**SECTION 1248.** 30.12 (4m) (title) of the statutes is amended to read:

30.12 (4m) (title) **DUCK CREEK DRAINAGE DISTRICT CERTAIN DRAINAGE DISTRICT STRUCTURES AND DEPOSITS.**

**SECTION 1249.** 30.12 (4m) (intro.) of the statutes is renumbered 30.12 (4m) (a) (intro.) and amended to read:

30.12 (4m) (a) (intro.) Subsection (1) does not apply to a qualifying structure or deposit that the drainage board for the Duck Creek Drainage District places in a drain that the board operates in the Duck Creek Drainage District if either of the following applies:

**SECTION 1250.** 30.12 (4m) (a) of the statutes is renumbered 30.12 (4m) (a) 1. and amended to read:

30.12 (4m) (a) 1. The department of agriculture, trade and consumer protection, after consulting with the department of natural resources, specifically approves the qualifying structure or deposit.

**SECTION 1251.** 30.12 (4m) (b) of the statutes is renumbered 30.12 (4m) (a) 2. and amended to read:
30.12 (4m) (a) 2. The qualifying structure or deposit is required, under rules promulgated by the department of agriculture, trade and consumer protection, in order to conform the drain to specifications approved by the department of agriculture, trade and consumer protection after consulting with the department of natural resources.

SECTION 1252. 30.12 (4m) (c) of the statutes is created to read:

30.12 (4m) (c) For purposes of this subsection, a “qualifying structure or deposit” is either of the following:

1. Any structure or deposit that is placed in a drain that is operated in the Duck Creek Drainage District by the board for the Duck Creek Drainage District.

2. Any structure or deposit that is placed in a drain that is not described in subd. 1. if the structure or deposit is used primarily for agricultural purposes, as defined in s. 29.181 (1b) (a).

SECTION 1253. 30.124 (1) (intro.) of the statutes is amended to read:

30.124 (1) (intro.) Notwithstanding ss. 30.12, 30.125, 30.20, 30.44, and 30.45, and if the department finds that the activity will not adversely affect public or private rights or interests in fish and wildlife populations, navigation, or waterway flood flow capacity and will not result in environmental pollution, as defined in s. 299.01 (4), the department may do all of the following on public lands or waters:

SECTION 1254. 30.124 (1) (a) of the statutes is amended to read:

30.124 (1) (a) Cut aquatic vegetation plants, as defined in s. 30.715 (1) (a), without removing the vegetation from the water, for the purpose of improving waterfowl nesting, brood, and migration habitat.

SECTION 1255. 30.125 of the statutes is repealed.

SECTION 1256. 30.18 (1b) of the statutes is created to read:
30.18 (1b) DEFINITION. In this section, “agricultural purpose” has the meaning given in s. 29.181 (1b) (a).

SECTION 1257. 30.18 (2) (a) 2. of the statutes is amended to read:

30.18 (2) (a) 2. The diversion is for the purpose of agriculture or irrigation or for an agricultural purpose.

SECTION 1258. 30.18 (6) (b) of the statutes is amended to read:

30.18 (6) (b) Use of water. A person issued a permit for the purpose of irrigation or agriculture for an agricultural purpose may use the water on any land contiguous to the permittee’s riparian land, but may not withdraw more water than it did before August 1, 1957, without applying to the department for a modification of the permit.

SECTION 1259. 30.19 (1m) (b) of the statutes is amended to read:

30.19 (1m) (b) Any agricultural uses The use of land for agricultural purposes, as defined in s. 29.181 (1b) (a).

SECTION 1260. 30.20 (1) (d) of the statutes is amended to read:

30.20 (1) (d) The drainage board for the Duck Creek Drainage District may, without a permit under sub. (2) (c), remove qualifying material from a drain that the board operates in the Duck Creek Drainage District if the removal is required, under rules promulgated by the department of agriculture, trade and consumer protection, in order to conform the drain to specifications imposed by the department of agriculture, trade and consumer protection after consulting with the department of natural resources.

SECTION 1261. 30.20 (1) (dm) of the statutes is created to read:

30.20 (1) (dm) For purposes of this paragraph, “qualifying material” is either of the following:
1. Any material that is removed from a drain that is operated in the Duck Creek Drainage District by the board for the Duck Creek Drainage District.

2. Any material that is removed from a drain that is not described in subd. 1. if the removal is necessary primarily for agricultural purposes, as defined in s. 29.181 (1b) (a).

**SECTION 1262.** 30.35 (2a) (b) of the statutes is amended to read:

> 30.35 (2a) (b) Exempt from the certificate of registration requirement under s. 30.51 (2) (c) 3.

**SECTION 1263.** 30.38 (9) (b) of the statutes is amended to read:

> 30.38 (9) (b) Exempt from the certificate of registration requirement under s. 30.51 (2) (c) 3.

**SECTION 1264.** 30.50 (3) of the statutes is amended to read:

> 30.50 (3) “Certificate of number” means the certificate of number certificate, certificate of number card, certification sticker or decal, and identification number issued by the department under the federally approved numbering system unless the context clearly indicates otherwise.

**SECTION 1265.** 30.50 (3b) of the statutes is created to read:

> 30.50 (3b) “Certification or registration documentation” means a certificate of number certificate, certificate of number card, certification decal, registration certificate, registration card, self-validated receipt, or registration decal.

**SECTION 1266.** 30.50 (4a) of the statutes is repealed.

**SECTION 1267.** 30.50 (10) of the statutes is amended to read:

> 30.50 (10) “Registration” means the registration certificate, registration card, and registration sticker or decal issued by the department.

**SECTION 1268.** 30.50 (11m) of the statutes is created to read:
30.50 (11m) “Self-validated receipt” means a portion of an application form that is retained by the applicant upon submittal of an application for a certificate of number or registration and that shows that an application and the required fee for a certificate of number or registration has been submitted to the department.

SECTION 1269. 30.51 (1) (a) of the statutes is amended to read:

30.51 (1) (a) Certificate of number. No person may operate, and no owner may give permission for the operation of, any boat on the waters of this state unless the boat is covered by a certificate of number issued under this chapter or is exempt from the certificate of number requirements of this chapter. A boat is not covered by a certificate of number unless the owner is issued a valid certificate of number card, the certificate sticker or decal is properly attached to and displayed on the boat and the identification number is properly displayed on the boat.

SECTION 1270. 30.51 (1) (b) of the statutes is amended to read:

30.51 (1) (b) Registration. No person may operate, and no owner may give permission for the operation of, any boat on the waters of this state unless the boat is covered by a registration issued under this chapter or is exempt from the registration requirements of this chapter. A boat is not covered by a registration unless the owner is issued a valid registration card and the registration sticker or decal is properly displayed on the boat.

SECTION 1271. 30.52 (1) (title) of the statutes is repealed and recreated to read:

30.52 (1) (title) ISSUANCE OF CERTIFICATES AND REGISTRATIONS.

SECTION 1272. 30.52 (1) (c) of the statutes is amended to read:

30.52 (1) (c) Application for duplicate. If a certificate of number card, a registration card, a certification sticker or decal or a registration sticker or decal is lost or destroyed the owner of a boat may apply for a duplicate. The owner shall
submit an application which shall be accompanied by the required fee for each
duplicate certificate of number card, registration card, certification sticker or decal
or registration sticker or decal applied for.

SECTION 1272. 30.52 (1m) (title) of the statutes is repealed and recreated to
read:

30.52 (1m) (title) PROCEDURES.

SECTION 1273. 30.52 (1m) (a) (intro.) of the statutes is amended to read:

30.52 (1m) (a) **Agents Issuers.** (intro.) For the issuance of original or duplicate
certification or registration documentation and for the transfer or renewal of
certificates of number or certificates of registration certification or registration
documentation, the department may do any of the following:

SECTION 1274. 30.52 (1m) (a) 1. of the statutes is amended to read:

30.52 (1m) (a) 1. Directly issue, transfer, or renew the certificates certification
or registration documentation with or without using the expedited service under par.
(ag) 1.

SECTION 1275. 30.52 (1m) (a) 2. of the statutes is repealed.

SECTION 1276. 30.52 (1m) (a) 3. of the statutes is amended to read:

30.52 (1m) (a) 3. Appoint persons who are not employees of the department **as
agents of the department** to issue, transfer, or renew the certificates as agents of the
department **certification or registration documentation using either or both of the
expedited services under par. (ag) 1.**

SECTION 1277. 30.52 (1m) (ag) of the statutes is created to read:

30.52 (1m) (ag) **Methods of issuance.** 1. For the issuance of original or duplicate
certification or registration documentation and for the transfer or renewal of
certification or registration documentation, the department may implement either
or both of the following expedited procedures to be provided by the department and any agents appointed under par. (a) 3.:

a. A noncomputerized procedure under which the department or agent may accept applications for certificates of number or registration and issue a self-validated receipt at the time the applicant submits the application accompanied by the required fees.

b. A computerized procedure under which the department or agent may accept applications for certification or registration documentation and issue to each applicant all or some of the items of the certification or registration documentation at the time the applicant submits the application accompanied by the required fees.

2. Under either procedure under subd. 1., the applicant shall receive any remaining items of certification or registration documentation directly from the department at a later date. The items of certification or registration documentation issued at the time of the submittal of the application under either procedure shall be sufficient to allow the boat for which the application is submitted to be operated in compliance with the registration requirements under this section and ss. 30.51 and 30.523.

**SECTION 1279.** 30.52 (1m) (ar) of the statutes is created to read:

30.52 (1m) (ar) **Fees. 1.** In addition to the applicable fee under sub. (3), each agent appointed under par. (a) 3. shall collect an expedited service fee of $3 each time the agent issues a self-validated receipt under par. (ag) 1. a. The agent shall retain the entire amount of each expedited service fee the agent collects.

2. In addition to the applicable fee under sub. (3), the department or the agent appointed under par. (a) 3. shall collect an expedited service fee of $3 each time the
expedited service under par. (ag) 1. b. is provided. The agent shall remit to the department $1 of each expedited service fee the agent collects.

**SECTION 1280.** 30.52 (1m) (b) of the statutes is repealed.

**SECTION 1281.** 30.52 (1m) (c) of the statutes is repealed.

**SECTION 1282.** 30.52 (1m) (d) of the statutes is repealed.

**SECTION 1283.** 30.52 (1m) (e) of the statutes is amended to read:

30.52 (1m) (e) *Remittal Receipt of fees.* An agent appointed under par. (a) 2. or 3. shall remit to the department $2 of each $3 fee collected under par. (d). Any All fees remitted to or collected by the department under par. (d) (ar) shall be credited to the appropriation account under s. 20.370 (9) (hu).

**SECTION 1284.** 30.52 (1m) (f) of the statutes is created to read:

30.52 (1m) (f) *Inapplicability.* 1. A dealer in boats who assists a customer in applying for a certification of number or registration without using either procedure specified in par. (ag) 1., may charge the customer a reasonable fee for providing this assistance.

2. Paragraphs (a) to (ar) do not apply to certificates of numbers issued to manufactures or dealers in boats who pay the fee under sub. (3) (im).

**SECTION 1285.** 30.52 (1r) of the statutes is created to read:

30.52 (1r) *Rules for issuers.* The department may promulgate rules to establish eligibility and other criteria for the appointment of agents under sub. (1m) (a) 3. and to regulate the activities of these agents.

**SECTION 1286.** 30.52 (3) (j) of the statutes is amended to read:

30.52 (3) (j) *Fee for issuance of duplicates.* The fee for the issuance of each duplicate certificate of number card, registration card, certification sticker or decal, or registration sticker or decal is $2.50.
SECTION 1287. 30.52 (5) (a) (title) of the statutes is amended to read:

30.52 (5) (a) (title) Certificate of number; card; sticker or decal decals; number.

SECTION 1288. 30.52 (5) (a) 1. of the statutes is amended to read:

30.52 (5) (a) 1. Upon receipt of a proper application for the issuance or renewal of a certificate of number accompanied by the required fee, a sales tax report, the payment of any sales and use tax due under s. 77.61 (1), and any other information the department determines to be necessary, the department or an agent appointed under sub. (1m) (a) 3. shall issue to the applicant a certificate of number card. The certificate of number card shall state the identification number awarded, the name and address of the owner, and other information the department determines to be necessary. The certificate of number card shall be of pocket size and of durable water resistant material.

SECTION 1289. 30.52 (5) (a) 2. of the statutes is amended to read:

30.52 (5) (a) 2. At the time the department issues a certificate of number card, it or an agent appointed under sub. (1m) (a) 3. shall issue 2 certification stickers or decals per boat for each application that involves the issuance of certification decals. The certification stickers or decals shall bear the year of expiration of the current certification and registration period. The department shall provide the applicant with instructions concerning the attachment of the certification stickers or decals to the boat.

SECTION 1290. 30.52 (5) (a) 3. of the statutes is amended to read:

30.52 (5) (a) 3. At the time the department or an agent appointed under sub. (1m) (a) 3. issues a certificate of number card, it or the department or agent shall award an identification number. The department shall provide the applicant with instructions concerning the painting or attachment of the awarded identification number.
number to the boat. The identification number shall be awarded to a particular boat unless the owner of the boat is a manufacturer of or dealer in boats, motors, or trailers who has paid the fee under sub. (3) (im) and the identification number is used on that boat.

**SECTION 1291.** 30.52 (5) (a) 4. of the statutes is amended to read:

30.52 (5) (a) 4. At the time the department issues a certificate of number card, it a person receives the certification decals, the person shall furnish to the person obtaining the card be furnished with a copy of the state laws pertaining to operation of boats or informational material based on these laws.

**SECTION 1292.** 30.52 (5) (b) (title) of the statutes is amended to read:

30.52 (5) (b) (title) *Registration; card; sticker or decal decals.*

**SECTION 1293.** 30.52 (5) (b) 1. of the statutes is amended to read:

30.52 (5) (b) 1. Upon receipt of a proper application for the issuance or renewal of a registration accompanied by the required fee, a sales tax report, the payment of any sales and use tax due under s. 77.61 (1) and any other information the department determines to be necessary, the department or an agent appointed under sub. (1m) (a) 3. shall issue to the applicant a registration card. The registration card shall state the name and address of the owner and other information the department determines to be necessary. The registration card shall be of pocket size and of durable water resistant material.

**SECTION 1294.** 30.52 (5) (b) 2. of the statutes is amended to read:

30.52 (5) (b) 2. At the time the department issues a registration card, it or an agent appointed under sub. (1m) (a) 3. shall issue 2 registration stickers or decals per boat for each application that involves the issuance of registration decals. The registration stickers or decals shall bear the year of expiration of the current
certification and registration period. The department shall provide the applicant with instructions concerning the attachment of the registration stickers or decals to the boat.

**SECTION 1295.** 30.52 (5) (b) 3. of the statutes is amended to read:

30.52 (5) (b) 3. At the time the department issues a registration card, it a person receives registration decals, the person shall furnish to the person obtaining the card be furnished with a copy of the state laws pertaining to the operation of boats or informational material based on these laws.

**SECTION 1296.** 30.52 (5) (c) of the statutes is repealed.

**SECTION 1297.** 30.523 (title) of the statutes is amended to read:

30.523 (title) **Certification or registration card to be on board; display of stickers or decals and identification number.**

**SECTION 1298.** 30.523 (1) (a) of the statutes is amended to read:

30.523 (1) (a) **Certificate of number card.** Any person operating If a boat which is required to be covered by a certificate of number issued under this chapter and if the owner of the boat has received the certificate of number card for the boat, any person operating the boat shall have the certificate of number card available at all times for inspection on the boat, unless the department determines the boat is of the use, size, or type as to make the retention of the certificate of number card on the boat impractical.

**SECTION 1299.** 30.523 (1) (b) of the statutes is amended to read:

30.523 (1) (b) **Registration card.** Any person operating If a boat which is required to be covered by a registration issued under this chapter and the owner of the boat has received the registration card for the boat, any person operating the boat shall have the registration card available at all times for inspection on the boat
unless the department determines the boat is of the use, size, or type as to make the
registration card on the boat impractical.

**SECTION 1300.** 30.523 (2) (title) of the statutes is amended to read:

30.523 (2) (title) **DISPLAY OF STICKERS OR DECALS.**

**SECTION 1301.** 30.523 (2) (a) of the statutes is amended to read:

30.523 (2) (a) **Certification stickers or decals.** Upon being issued a certificate of number card and certification stickers or decals, the owner of the boat shall attach or affix the stickers or decals to each side of the forward half of the boat in the manner prescribed by rules promulgated by the department. The owner shall maintain the certification stickers or decals in a legible condition at all times.

**SECTION 1302.** 30.523 (2) (b) of the statutes is amended to read:

30.523 (2) (b) **Registration stickers or decals.** Upon being issued a registration card and registration stickers or decals, the owner of the boat shall attach or affix the stickers or decals in the manner prescribed by rules promulgated by the department. The owner shall attach or affix the registration stickers or decals to the transom of the boat on each side of the federally documented name of the vessel in a manner so both stickers or decals are visible. The owner shall maintain the registration stickers or decals in a legible condition at all times.

**SECTION 1303.** 30.523 (2) (c) of the statutes is amended to read:

30.523 (2) (c) **Stickers or decals Decals for boats owned by manufacturers and dealers.** Notwithstanding par. (a), a manufacturer or dealer in boats, motors, or trailers who has paid the fee under s. 30.52 (3) (im) may attach or affix the certification stickers or decals to removable signs to be temporarily but firmly mounted upon or attached to the boat while the boat is being operated.

**SECTION 1304.** 30.523 (2) (d) of the statutes is amended to read:
30.523 (2) (d) **Restriction on other stickers and decals.** No sticker or decal stickers or decals other than the certificate of number stickers or decals, other stickers or decals that may be provided by the department, and stickers or decals authorized by reciprocity may be attached, affixed, or displayed on either side of the forward half of a boat.

**SECTION 1305.** 30.547 (2) of the statutes is amended to read:

30.547 (2) No person may intentionally falsify an application for a certificate of number or registration or a certificate of number or registration card issued under s. 30.52.

**SECTION 1306.** 30.549 (2) (c) of the statutes is amended to read:

30.549 (2) (c) Notwithstanding s. 30.52 (5) (a) 2. or (b) 2., the department may not issue new certification stickers or decals or new registration stickers or decals if the fee specified under s. 30.52 (3) (h) rather than the appropriate fee specified under s. 30.52 (3) (b) to (g) is paid. The department shall not award a new identification number to the boat unless compliance with federal numbering regulations requires otherwise.

**SECTION 1307.** 30.715 (1) of the statutes is created to read:

30.715 (1) In this section:

(a) “Aquatic plant” means a submergent, emergent, or floating-leaf plant or any part thereof. “Aquatic plant” does not mean wild rice.

(b) “Public boat access site” means a site that provides access to a navigable water for boats and that is open to the general public for free or for a charge or that is open only to certain groups of persons for a charge.

**SECTION 1308.** 30.715 (2) of the statutes is created to read:
30.715 (2) No person may place or use a boat or boating equipment or place a boat trailer in a navigable water if the person has reason to believe that the boat, boat trailer, or boating equipment has any aquatic plants attached.

**SECTION 1309.** 30.715 (4) (a) of the statutes is created to read:

30.715 (4) (a) Remove aquatic plants from a boat, boat trailer, or boating equipment before placing it in a navigable water

**SECTION 1310.** 30.715 (4) (b) of the statutes is created to read:

30.715 (4) (b) Remove or not place a boat, boat trailer, or boating equipment in a navigable water if the law enforcement officer has reason to believe that the boat, boat trailer, or boating equipment has aquatic plants attached.

**SECTION 1311.** 30.715 (5) of the statutes is created to read:

30.715 (5) (a) The department shall prepare a notice that contains a summary of the provisions under this section and shall make copies of the notice available to owners required to post the notice under par. (b).

(b) Each owner of a public boat access site shall post and maintain the notice described in par. (a).

**SECTION 1312.** 30.725 (title) of the statutes is renumbered 30.715 (title) and amended to read:

30.715 (title) **Placement of boats, trailers, and equipment; Lower St. Croix River in navigable waters.**

**SECTION 1313.** 30.725 (1) of the statutes is renumbered 30.715 (3).

**SECTION 1314.** 30.725 (2) (intro.) of the statutes is renumbered 30.715 (4) (intro.).

**SECTION 1315.** 30.725 (2) (a) of the statutes is renumbered 30.715 (4) (c).

**SECTION 1316.** 30.725 (2) (b) of the statutes is renumbered 30.715 (4) (d).
SECTION 1317. 30.725 (3) of the statutes is renumbered 30.715 (6) and amended to read:

30.715 (6) No person may refuse to obey the order of a law enforcement officer who is acting under sub. (2) (4).

SECTION 1318. 30.77 (3) (dm) 1. b. of the statutes is amended to read:

30.77 (3) (dm) 1. b. “Local entity” means a city, village, town, county, qualified lake association, as defined in s. 281.68 (1) (b), nonprofit conservation organization, as defined in s. 23.0955 (1), town sanitary district, public inland lake protection and rehabilitation district, or another local governmental unit, as defined in s. 66.0131 (1) (a), that is established for the purpose of lake management.

SECTION 1319. 30.77 (3) (dm) 1. c. of the statutes is created to read:

30.77 (3) (dm) 1. c. “Qualified lake association” means an association that meets the qualifications under s. 281.68 (3m) (a).

SECTION 1320. 30.92 (1) (br) (intro.) of the statutes is renumbered 30.92 (1) (br) and amended to read:

30.92 (1) (br) “Qualified lake association” means a group incorporated under ch. 181 that meets all of the following conditions: an association that meets the qualifications under s. 281.68 (3m) (a).

SECTION 1321. 30.92 (1) (br) 1. of the statutes is repealed.

SECTION 1322. 30.92 (1) (br) 2. of the statutes is repealed.

SECTION 1323. 30.92 (1) (br) 3. of the statutes is repealed.

SECTION 1324. 30.92 (1) (br) 4. of the statutes is repealed.

SECTION 1325. 30.92 (1) (br) 5. of the statutes is repealed.

SECTION 1326. 30.92 (1) (br) 6. of the statutes is repealed.

SECTION 1327. 30.92 (1) (br) 7. of the statutes is repealed.
SECTION 1328. 30.92 (1) (br) 8. of the statutes is repealed.

SECTION 1329. 30.92 (4) (b) 8. a. of the statutes is amended to read:

30.92 (4) (b) 8. a. A project for the dredging of a channel in a waterway to the degree that is necessary to accommodate recreational watercraft if the project is for an inland water.

SECTION 1330. 30.92 (4) (b) 8. b. of the statutes is amended to read:

30.92 (4) (b) 8. b. Acquisition of capital equipment that is necessary to cut and remove aquatic plants that are aquatic nuisances or that are detrimental to fish habitat if the acquisition is pursuant to a plan to cut and remove aquatic plants that is approved by the department.

SECTION 1331. 30.92 (4) (b) 8. bp. of the statutes is created to read:

30.92 (4) (b) 8. bp. Acquisition of capital equipment that is necessary to control and remove invasive aquatic plants, as defined in s. 23.24 (1) (g), if the equipment will be used to control and remove them as authorized by an aquatic plant management permit issued under s. 23.24 (3).

SECTION 1332. 30.93 (1) (b) of the statutes is amended to read:

30.93 (1) (b) “Fox River navigational system” has the meaning designated under s. 30.94 (1) (b) means locks, harbors, real property, structures, and facilities related to navigation that are located on or near the Fox River, including locks, harbors, real property, structures, and facilities that were under the ownership or control of the federal government on April 1, 1984. “Fox River navigational system” does not include dams on the Fox River.

SECTION 1333. 30.93 (3) (b) of the statutes is amended to read:

30.93 (3) (b) Authority to contract; Wisconsin conservation corps. The commission may contract with public agencies, public or private organizations,
businesses, or individuals to carry out management or operation responsibilities for the Fox River navigational system. The commission may contract with the department of health and family services or any other state agency to carry out management or operation responsibilities for the Fox River navigational system. The commission may act as a Wisconsin conservation corps project sponsor and may enter into agreements with the Wisconsin conservation corps board department of workforce development to carry out management or operation responsibilities for the Fox River navigational system.

**SECTION 1334.** 30.93 (8) of the statutes is amended to read:

30.93 (8) **APPLICABILITY.** This section does not apply after the date on which the governor makes the certification under s. 30.94 (8) state and the Fox River Navigational System Authority enter into the lease agreement specified in s. 237.06.

**SECTION 1335.** 30.94 (title) of the statutes is repealed.

**SECTION 1336.** 30.94 (1) (title), (intro.) and (a) of the statutes are repealed.

**SECTION 1337.** 30.94 (1) (b) of the statutes is renumbered 237.01 (4) and amended to read:

237.01 (4) “Fox River navigational Navigational system” means locks, harbors, real property, structures, and facilities related to navigation that are located on or near the Fox River, including locks, harbors, real property, structures, and facilities that were under the ownership or control of the federal government on April 1, 1984. “Fox River navigational Navigational system” does not include dams on the Fox River.

**SECTION 1338.** 30.94 (1) (c) of the statutes is repealed.

**SECTION 1339.** 30.94 (2) to (8) of the statutes are repealed.

**SECTION 1340.** 31.01 (2m) of the statutes is created to read:
31.01 (2m) “Duck Creek Drainage District” has the meaning given in s. 30.01 (1nm).

SECTION 1341. 31.02 (7) of the statutes is amended to read:

31.02 (7) The department of natural resources shall confer with the department of agriculture, trade and consumer protection and the drainage commissioners in each drainage district on the formation of policies for the operation and maintenance of the dams; in districts. In a district having no commissioners, the department of natural resources shall confer in like manner with the department of agriculture, trade and consumer protection and with the any committee appointed by the county board, if any, to represent either such the drainage district, or in. In the event that the a drainage district is dissolved, to represent the department of natural resources shall confer with any committee appointed by the county board to represent the interests of the county in all matters whatsoever pertaining to water conservation and control within the area which theretofore constituted such the drainage district. This subsection does not apply to the Duck Creek Drainage District.

SECTION 1342. 31.02 (7m) of the statutes is amended to read:

31.02 (7m) The drainage board for the Duck Creek Drainage District shall operate, repair and maintain dams, dikes and other structures in district drains that the board operates in the Duck Creek Drainage District in compliance with ch. 88 and any rules promulgated by the department of agriculture, trade and consumer protection under ch. 88. If a county Subsection (7) does not apply to the Duck Creek Drainage District unless the drainage board for the district fails to perform its duties under this subsection, the. If the drainage board fails to perform these duties, the
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department of natural resources may exercise its authority under subs. (6), (8) and
(9) and shall perform its duties under subs. (7) and (8).

SECTION 1343. 31.02 (8) of the statutes is amended to read:

31.02 (8) The department of natural resources shall give careful consideration
to the suggestions of made under sub. (7) by the department of agriculture, trade and
consumer protection, the drainage commissioners, or any committee of the county
board, but the final decision in all matters under consideration shall rest with the
department of natural resources.

SECTION 1344. 31.02 (9) of the statutes is amended to read:

31.02 (9) So far as seems practicable, the department may designate or employ
the drainage commissioners of any drainage district, or the committee of the county
board above referred to appointed under sub. (7), to operate the dams in such the
district or in the area formerly comprising a drainage district or to perform services
in the repair and maintenance of the dams, dikes and other works.

SECTION 1345. 31.385 (5) of the statutes is created to read:

31.385 (5) Notwithstanding the limitations under sub. (2) (a) and the funding
allocation requirements under sub. (2) (ag) and (ar), the department shall provide
financial assistance to the village of Cazenovia in the amount necessary for a dam
safety project to repair a dam that is located in the portion of the village that is in
Richland County. The amount of the financial assistance may not exceed $250,000.
The village need not contribute to the repair costs, and sub. (2) (c) does not apply to
this dam safety project. The repair of this dam need not be included as a dam safety
project under the inventory maintained by the department under sub. (4) for the
village to receive financial assistance under this section.

SECTION 1346. 33.32 (3) (b) of the statutes is amended to read:
33.32 (3) (b) If a county or municipality fails to pay a special assessment levied by a district, the clerk of the district may certify this fact to the department of administration, and shall state the amount due. The department, at the time of making the next scheduled distribution under s. 79.03 or 79.065, shall deduct the amount claimed from the payment due the county or municipality, and shall forward it to the district.

SECTION 1347. 35.81 (1) of the statutes is amended to read:

35.81 (1) “Division” means the division for libraries, technology, and community learning in the department of public instruction.

SECTION 1348. 36.09 (1) (d) of the statutes is amended to read:

36.09 (1) (d) The board shall establish policies to guide program activities to ensure that they will be compatible with the missions of the institutions of the system. To this end, the board shall make all reasonable effort to provide night courses.

SECTION 1349. 36.09 (1) (e) of the statutes, as affected by 1999 Wisconsin Act 42, section 18, is repealed and recreated to read:

36.09 (1) (e) The board shall appoint a president of the system; a chancellor for each institution; a dean for each college campus; the state geologist; the director of the laboratory of hygiene; the director of the psychiatric institute; the state cartographer, with the advice of the department of administration and the Wisconsin land council; and the requisite number of officers, other than the vice presidents, associate vice presidents and assistant vice presidents of the system; faculty; academic staff and other employees and fix the salaries, subject to the limitations under par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), the duties and the term of office for each. The board shall fix the salaries, subject to the limitations under par. (j) and
ss. 20.923 (4g) and 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice president and assistant vice president of the system. No sectarian or partisan tests or any tests based upon race, religion, national origin or sex shall ever be allowed or exercised in the appointment of the employees of the system.

SECTION 1350. 36.11 (41) of the statutes is created to read:

36.11 (41) Offering of Course Sections. The board shall ensure that at least 15% of all system course sections that are offered for credit and that do not exclude undergraduate students are offered during the evenings and weekends or by electronic means and shall, by October 1, 2003, and annually thereafter, report to the department of administration the number of such course sections offered in the previous academic year and what percentage of all system course sections they constituted.

SECTION 1351. 36.11 (42) of the statutes is created to read:

36.11 (42) Report on Precollege Program. The board shall report annually to the department of public instruction the number of students who both enrolled in a University of Wisconsin System precollege program under s. 115.43 and graduated from a University of Wisconsin System institution.

SECTION 1352. 36.25 (5) (c) of the statutes is created to read:

36.25 (5) (c) At the request of the transitional board, as defined in s. 39.81 (7), the board of regents shall, at no charge to the transitional board, provide staff and legal, administrative, and technical assistance for the transitional board to carry out the duties under s. 39.82.

SECTION 1353. 36.25 (5) (d) of the statutes is created to read:

36.25 (5) (d) If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses,
except licenses for student radio, held by the board of regents to the broadcasting corporation, as defined in s. 39.81 (2), this subsection does not apply on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (b).

**SECTION 1353.** 36.25 (5m) of the statutes is created to read:

36.25 (5m) **PROVISION OF CERTAIN SERVICE FOR PUBLIC BROADCASTING.** (a) In this subsection, “broadcasting corporation” has the meaning given in s. 39.81 (2).

(b) If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses, except licenses for student radio, held by the board of regents to the broadcasting corporation, on and after the effective date of the last license transferred, as determined by the secretary under s. 39.87 (2), all of the following shall occur:

1. The board of regents shall contract with the broadcasting corporation to provide to the broadcasting corporation the services of all of the employees of the board who provided public broadcasting services before the date determined by the secretary under s. 39.87 (2) (b). The board may not contract under this subdivision for the services of any employee who did not provide public broadcasting services before the date determined by the secretary under s. 39.87 (2) (b). Any contract entered into under this subdivision shall provide that the broadcasting corporation shall have supervision authority over the employees.

2. If any employee of the board of regents who provided public broadcasting services before the date determined by the secretary under s. 39.87 (2) (b) terminates employment with the board on or after that date, the board may not fill any position occupied by the employee and may not expend any money that would otherwise have
been paid to, or on behalf of, the employee as salary or fringe benefits had the
employee not terminated employment with the board.

SECTION 1355. 36.25 (12m) (intro.) of the statutes, as affected by 1997
Wisconsin Act 27, is repealed and recreated to read:

36.25 (12m) STATE CARTOGRAPHER. (intro.) In coordination and consultation
with the department of administration, the state cartographer shall:

SECTION 1356. 36.25 (13m) of the statutes is amended to read:

36.25 (13m) MEDICAL STUDENT TRANSFER PROGRAM. The board shall establish a
program in the Center for Health Sciences of the University of Wisconsin–Madison
involving Wisconsin Medical School to consider the transfer of residents of this state
from foreign medical schools after their 2nd year of study or involving a 5th year of
clerkship following their completion of 4 years of study at a foreign school.

SECTION 1357. 36.25 (38) (b) 6. of the statutes is amended to read:

36.25 (38) (b) 6. To pay the department of administration electronic
government for telecommunications services provided under s. 16.973 22.05 (1).

SECTION 1358. 36.27 (1) (a) of the statutes is amended to read:

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

SECTION 1359. 36.27 (1) (am) of the statutes is repealed.

SECTION 1360. 36.27 (3r) of the statutes is created to read:
36.27 (3r) Fee remission; other. Beginning in the 2002−03 academic year, the board shall grant full remission of fees to a resident undergraduate student who is enrolled in a bachelor’s degree program and who is designated the annual winner of the Wisconsin state science fair by the Wisconsin Science Education Foundation. The fee remission remains in effect until completion of a sufficient number of credits to be awarded a bachelor’s degree in a science−related field of study, except that a student must be in good academic standing to receive the remission for the next semester and may not receive a remission for more than 5 consecutive years. Upon completion of the student’s bachelor’s degree, the board shall grant the student a fee remission for a science−related graduate program. The graduate fee remission remains in effect for 2 consecutive years, except that a student must be in good academic standing to receive the remission for the next semester.

SECTION 1361. 36.27 (4) (a) of the statutes is amended to read:

36.27 (4) (a) In the 1993−94 to 2000−01 academic years, the board may annually exempt from nonresident tuition, but not from incidental or other fees, up to 200 students enrolled at the University of Wisconsin−Parkside as juniors or seniors in programs identified by that institution as having surplus capacity and up to 150 students enrolled at the University of Wisconsin−Superior in programs identified by that institution as having surplus capacity.

SECTION 1362. 36.28 of the statutes is repealed.

SECTION 1363. 36.46 (1) (a) of the statutes is amended to read:

36.46 (1) (a) The board may not accumulate any auxiliary reserve funds from student fees for any institution in an amount that exceeds an amount equal to 15% of the previous fiscal year’s total revenues from student segregated fees and auxiliary operations funded from student fees for that institution unless the reserve
funds are approved by the secretary of administration and the joint committee on finance under this subsection. A request by the board for such approval for any fiscal year shall be filed by the board with the secretary of administration and the cochairpersons of the joint committee on finance no later than September October 15 of that fiscal year. The request shall include a plan specifying the amount of reserve funds the board wishes to accumulate and the purposes to which the reserve funds would be applied, if approved. Within 14 working days of receipt of the request, the secretary of administration shall notify the cochairpersons of the joint committee on finance in writing of whether the secretary proposes to approve the reserve fund accumulation.

**SECTION 1364.** 38.04 (4) (ag) of the statutes is renumbered 38.04 (4) (ag) 1.

**SECTION 1365.** 38.04 (4) (ag) 2. of the statutes is created to read:

38.04 (4) (ag) 2. A district board may employ an instructor who is not certified by the board if the instructor holds a valid industry certification recognized by the board.

**SECTION 1366.** 38.04 (4) (am) of the statutes is repealed.

**SECTION 1367.** 38.04 (9) of the statutes is amended to read:

38.04 (9) **TRAINING PROGRAMS FOR FIRE FIGHTERS.** In order to promote safety to life and property, the board may establish and supervise training programs in fire prevention and protection and emergency extrication. The training programs shall be available to members of volunteer and paid fire departments maintained by public and private agencies, including industrial plants. No training program required for participation in structural fire fighting that is offered to members of volunteer and paid fire departments maintained by public agencies may require more than 60 hours of training.
SECTION 1368. 38.04 (28) of the statutes is created to read:

38.04 (28) REPORT ON PRECOLLEGE PROGRAM. The board shall report annually to the department of public instruction the number of students who both enrolled in a technical college precollege program under s. 115.43 and graduated from a technical college.

SECTION 1369. 38.04 (30) of the statutes is created to read:

38.04 (30) INTERNET COURSES. The board shall do all of the following:

(a) Promulgate rules that allow a student enrolled in one district to take a course offered by another district over the Internet without paying additional fees to the district board offering the course.

(b) Establish an Internet site that provides information on all courses offered over the Internet by all district boards.

(c) Assist district boards to develop Internet courses.

SECTION 1370. 38.12 (12) of the statutes is created to read:

38.12 (12) REQUIRED PROGRAMS AND COURSES. The district board shall offer any program or course of study that the board directs the district board to offer and shall eliminate any program or course of study that the board directs the district board to eliminate.

SECTION 1371. 38.125 of the statutes is amended to read:

38.125 Public broadcasting stations. If the district board governing the Milwaukee area technical college determines to relinquish its public broadcasting licenses, it shall, subject to the approval of the federal communications commission, offer to assign the licenses to the educational communications board, subject to approval of the federal communications commission or, if all broadcasting licenses
SECTION 1371. 38.15 (3) (c) 3. of the statutes is amended to read:

38.15 (3) (c) 3. The capital expenditure is made before January 1, 2002 July 1, 2003.

SECTION 1372. 38.27 (1) (i) of the statutes is created to read:

38.27 (1) (i) Statewide marketing and promotion of the technical college system.

SECTION 1374. 38.27 (2) (b) of the statutes is amended to read:

38.27 (2) (b) The board shall review the applications submitted under par. (a) according to procedures and criteria established by the board. The board may not award a grant to a district board unless the board has reviewed and approved the district board's budget. Prior to awarding a grant for the purpose of sub. (1) (e), the board shall consider the principle of comparable budgetary support for similar programs and ensure that the program being considered for a grant is efficient and cost-effective. The board shall notify the applicant whether its application has been approved and, if approved, of the amount and the conditions of the grant to be awarded.

SECTION 1375. 38.28 (1m) (a) 1. of the statutes is amended to read:

38.28 (1m) (a) 1. “District aidable cost” means the annual cost of operating a technical college district, including debt service charges for district bonds and promissory notes for building programs or capital equipment, but excluding all expenditures relating to auxiliary enterprises and community service programs, all expenditures funded by or reimbursed with federal revenues, all receipts under sub. (6) and ss. 38.12 (9), 38.14 (3) and (9), 118.15 (2) (a), 118.55 (7r) and 146.55 (5), all
receipts from grants awarded under ss. 16.004 (14), 38.04 (8), (19), and (20), 38.14 (11), 38.26, 38.27, 38.305, 38.31, 38.33 and 38.38, all fees collected under s. 38.24, and driver education and chauffeur training aids.

SECTION 1376. 39.10 of the statutes is created to read:

39.10 Definitions. In this subchapter:

(1) “Broadcasting corporation” has the meaning given in s. 39.81 (2).

(2) “Fund-raising corporation” means the corporation organized under s. 39.12 (1).

(3) “Transitional board” has the meaning given in s. 39.81 (7).

SECTION 1377. 39.11 (22) of the statutes is created to read:

39.11 (22) Provide staff and legal, administrative, and technical assistance for the transitional board to carry out the duties under s. 39.82 at no charge to the transitional board.

SECTION 1378. 39.12 of the statutes is amended to read:

39.12 Nonstock Fund-raising corporation. (1) The educational communications board may organize and maintain a nonstock, nonprofit corporation under ch. 181 for the exclusive purpose of raising funds for the educational communications board to support the activities of the educational communications board. Any funds raised by the fund-raising corporation shall be expended to carry out the purposes for which received.

(2) The educational communications board shall enter into a contract with the fund-raising corporation under sub. (1). The contract shall provide that the educational communications board may make use of the services of the fund-raising corporation and that the educational communications board may provide administrative services to the fund-raising corporation. The type and scope of any
administrative services provided by the educational communications board to the
fund-raising corporation and the educational communications board employees
assigned to perform the services shall be determined by the educational
communications board. The fund-raising corporation may neither employ staff nor
engage in political activities.

(2m) The fund-raising corporation under sub. (1) shall donate any real
property to the state within 5 years after acquiring the property unless holding the
property for more than 5 years is consistent with sound business and financial
practices and is approved by the joint committee on finance.

(3) The educational communications board, the department of administration,
the legislative fiscal bureau, the legislative audit bureau, and the appropriate
committee of each house of the legislature, as determined by the presiding officer,
may examine all records of the fund-raising corporation.

(4) The board of directors of any the fund-raising corporation established
under this section shall consist of 5 members, including the executive director of the
educational communications board and 4 members of the educational
communications board, elected by the educational communications board, of which
one shall be a legislator. No 2 members of the board of directors may be from the same
category of educational communications board members under s. 15.57 (1) (a) to (7)
(h).

(5) Any The fund-raising corporation established under this section shall be
organized so that contributions to it will be deductible from adjusted gross income
under section 170 of the internal revenue code Internal Revenue Code and so that
the fund-raising corporation will be exempt from taxation under section 501 of the
internal revenue code Internal Revenue Code and ss. 71.26 (1) (a) and 71.45 (1).
SECTION 1379. 39.145 of the statutes is created to read:

39.145 Applicability. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation as defined in s. 39.81 (2), this subchapter does not apply on and after the effective date of the last license transferred as determined by the secretary under s. 39.87 (2) (a).

SECTION 1380. 39.16 of the statutes is repealed.

SECTION 1381. 39.41 (title) of the statutes is repealed and recreated to read:

39.41 (title) Governor Thompson scholarship program.

SECTION 1382. 39.41 (9) of the statutes is created to read:

39.41 (9) In any printed material or other information disseminated or otherwise distributed by the board, the scholarship program under this section shall be referred to as the Governor Thompson scholarship program, and scholars shall be referred to as Governor Thompson scholars.

SECTION 1383. 39.44 (5) of the statutes is created to read:

39.44 (5) By November 1, 2001, and annually thereafter, the board shall report to the department of administration on the effectiveness of the program under this section.

SECTION 1384. 39.49 of the statutes is created to read:

39.49 Precollege programs; report. Each private educational institution located in this state that awards a bachelor’s or higher degree or provides a program that is acceptable for credit toward such a degree shall report annually to the department of public instruction the number of students who both enrolled in the institution’s precollege program under s. 115.43 and graduated from the institution.
SECTION 1385. 39.76 (1) of the statutes is amended to read:

39.76 (1) STATE REPRESENTATION ON THE EDUCATION COMMISSION OF THE STATES.

There is created a 7-member delegation to represent the state of Wisconsin on the education commission of the states. The delegation shall consist of the governor, the state superintendent of public instruction, one senator and one representative to the assembly selected as are the members of standing committees in their respective houses, and 3 members appointed by the governor in compliance with s. 39.75 (3) (a) who shall serve at the pleasure of the governor. The chairperson of the delegation shall be designated by the governor from among its members. Members of the delegation shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties from the appropriation in s. 20.505 (3) (a) (4) (ba). Annual commission membership dues shall be paid from the appropriation in s. 20.505 (3) (a) (4) (ba).

SECTION 1386. Subchapter V of chapter 39 [precedes 39.81] of the statutes is created to read:

CHAPTER 39

SUBCHAPTER V

PUBLIC BROADCASTING

39.81 Definitions. In this subchapter:


(2) “Broadcasting corporation” means the corporation specified in s. 39.82 (1).

(3) “Corporate board” means the board of directors of the broadcasting corporation.

(4) “Foundation” means the Wisconsin Public Broadcasting Foundation.
“Friends group” means a nonstock, nonprofit corporation described under section 501 (c) (3) or (4) of the Internal Revenue Code and exempt from taxation under section 501 (a) of the Internal Revenue Code that is organized to raise funds for a public broadcasting television station in this state.

“Secretary” means the secretary of administration.

“Transitional board” means the public broadcasting transitional board.

39.82 Transitional board duties. The transitional board shall do all of the following:

1. Draft and file articles of incorporation for a nonstock corporation under ch. 181 and take all actions necessary to exempt the corporation from federal taxation under section 501 (c) (3) of the Internal Revenue Code.

2. Provide in the articles of incorporation filed under sub. (1) that the initial directors of the corporate board are the members of the transitional board.

3. Draft bylaws for adoption by the corporate board under s. 181.0206 (2).

4. Prepare an application for submission by the corporate board to the federal communications commission to transfer all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System, except licenses held by the board of regents for student radio, to the broadcasting corporation.

5. Negotiate an agreement with the association for the transfer to the broadcasting corporation of funds raised by the association.

6. Negotiate an agreement with each friends group in this state for the transfer to the broadcasting corporation of funds raised by the friends group.
39.83 Duties of broadcasting corporation. The broadcasting corporation shall do each of the following as a condition for receiving state aid under s. 20.218 (1):

(1) Maintain a state system of radio broadcasting for presenting educational, informational, and public service programs; formulate policies regulating the operation of that state system; and coordinate the public radio activities of the various educational and informational agencies, civic groups, and citizens that contribute to the public interest and welfare.

(2) Maintain educational television channels reserved for this state and take such action as is necessary to preserve such channels in this state for educational use.

(3) Maintain a comprehensive state plan for the orderly operation of a statewide television system for presenting noncommercial instructional programs that will best serve the interests of the state.

(4) Work with the educational agencies and institutions of the state as reviewer, adviser, and coordinator of their joint efforts to meet the educational needs of the state through radio and television.

(5) Furnish leadership in securing adequate funding for statewide joint use of radio and television for educational and cultural purposes, including funding for media programming for broadcast over the state networks.

(6) Lease, purchase, or construct radio and television facilities for joint use with state and local agencies, including facilities such as broadcast network and production facilities, network interconnection or relay equipment, mobile units, and other equipment available for statewide use.
(7) Maintain radio and television transmission equipment in order to provide broadcast service to all areas of this state.

(8) Establish and maintain a continuing evaluation of the effectiveness of the joint efforts of all participating educational institutions in terms of jointly established goals in the area of educational radio and television.

(9) Act as an information source for educational radio and television activities in this state and provide such information to legislators, government offices, educational institutions, and the general public.

(10) Provide educational programming for elementary and secondary schools in this state and transmit public radio and television to remote and underserved areas of the state.

(11) Enter into a contract with board of regents of the University of Wisconsin System under s. 36.25 (5m) (b).

(12) Make the most effective use of its digital broadcasting spectrum.

39.84 State aid. (1) The broadcasting corporation may receive state aid under s. 20.218 (1) if all of the following are satisfied:

(a) The articles of incorporation state that the purpose of the broadcasting corporation is to provide public broadcasting to this state and that, if the broadcasting corporation dissolves or discontinues public broadcasting in this state, the broadcasting corporation shall, in good faith, take all reasonable measures to transfer or assign the broadcasting corporation’s assets, licenses, and rights to an entity whose purpose is to advance public broadcasting in this state.

(b) The broadcasting corporation initially adopts the bylaws drafted by the transitional board under s. 39.82 (3).
(c) The broadcasting corporation permits public inspection and copying of any record of the corporation, as defined in s. 19.32 (1), to the same extent as required of, and subject to the same terms and enforcement provisions that apply to, an authority under subch. II of ch. 19.

(d) The broadcasting corporation provides public access to its meetings to the same extent as is required of, and subject to the same terms and enforcement provisions that apply to, a governmental body under subch. V of ch. 19.

(e) The broadcasting corporation provides the secretary of administration, the legislative audit bureau, and the legislative fiscal bureau access to all of the broadcasting corporation’s records, as defined in s. 19.32 (2), except records identifying the names of private donors.

(f) 1. If the broadcast licenses of the educational communications board are transferred to the broadcasting corporation, the broadcasting corporation carries out any obligation of the educational communications board under any contract entered into by the educational communications board that relates to the provision of public broadcasting in this state until the contract is modified or rescinded by the broadcasting corporation to the extent allowed under the contract and the broadcasting corporation pays any outstanding state debt related to the state office building as defined under s. 39.86 (1).

2. If the broadcast licenses of the board of regents of the University of Wisconsin System, other than licenses for student radio, are transferred to the broadcasting corporation, the broadcasting corporation carries out any obligation of the board of regents of the University of Wisconsin System under any contract entered into by the board of regents of the University of Wisconsin System that relates to the provision
of public broadcasting in this state until the contract is modified or rescinded by the broadcasting corporation to the extent allowed under the contract.

(2) The secretary of administration shall pay aid under s. 20.218 (1) to the broadcasting corporation in instalments, as determined by the secretary.

39.86 Transfer provisions. (1) In this section, “state office building” means the state office building located at 3319 West Beltline Highway in Dane County.

(2) (a) If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation, each of the following applies:

1. Any asset of the state, other than the state office building and the assets specified in subd. 3., that is used by the educational communications board and that, as determined by the secretary of administration, is not a shared asset, as defined in s. 16.26 (1) (b), is transferred to the broadcasting corporation. A transfer under this subdivision takes effect on the effective date of the last license transferred, as determined by the secretary of administration under s. 39.87 (2) (a).

2. The secretary of administration shall transfer title to the state office building from the state to the broadcasting corporation if the broadcasting corporation pays $476,228 to the foundation or the foundation waives such payment.

3. The assets of the state that, as determined by the secretary of administration, are used by the educational communications board for the operation of an emergency weather warning system are transferred to the department of administration.

(b) Any asset transferred under par. (a) 1. or 2. shall revert to the state if the asset is not used for the purpose of providing public broadcasting.
(2m) (a) If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses, except licenses for student radio, held by the board of regents of the University of Wisconsin System to the broadcasting corporation, any asset of the state, other than the state office building and the assets specified in sub. (2) (a) 3., that is used by the board of regents of the University of Wisconsin System and that, as determined by the secretary of administration, is not a shared asset, as defined in s. 16.26 (1) (b), is transferred to the broadcasting corporation. A transfer under this paragraph shall take effect on the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (b).

(b) Any asset transferred under par. (a) 1. or 2. shall revert to the state if the asset is not used for the purpose of providing public broadcasting.

(3) If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board to the broadcasting corporation, each of the following applies on the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a):

(a) To the appropriation account under s. 20.218 (1), there is transferred the unencumbered balance of the appropriation accounts under s. 20.225 (1) (a), (b), (d), (eg), (er), and (f), except for the unencumbered balance of the appropriation accounts that are otherwise transferred under sub. (4).

(b) To the appropriation account under s. 20.505 (9) (a), there is transferred the unencumbered balance of the appropriation account under s. 20.225 (1) (kb) and the amounts in the schedule for the appropriation account under s. 20.505 (9) (a) are
increased by the amount transferred from the appropriation account under s. 20.225
(1) (kb).

(c) To the appropriation account under s. 20.505 (9) (k), there is transferred the
unencumbered balance of the appropriation accounts under s. 20.225 (1) (g), (h), (k),
and (m), and, to the extent allowed under federal law, the secretary of administration
shall pay the broadcasting corporation a grant equal to the amount of the
unencumbered balance of the appropriation account under s. 20.505 (9) (k).

(4) If the secretary of administration determines that the federal
communications commission has approved the transfer of all broadcasting licenses
held by the educational communications board to the broadcasting corporation, all
positions authorized for the educational communications board and the incumbent
employees holding the positions are transferred to the department of
administration. Employees transferred under this subsection have all rights and the
same status under subch. V of ch. 111 and ch. 230 that they enjoyed in the educational
communications board. Notwithstanding s. 230.28 (4), no employee so transferred
who has attained permanent status in class may be required to serve a probationary
period.

(5) All employees transferred to the department of administration under sub.
(4) shall provide broadcasting services to the broadcasting corporation under a
contract between the department of administration and the broadcasting
corporation for such services. The contract shall provide that the employees who are
providing services are supervised solely by the broadcasting corporation.

39.87 License transfer determination. The secretary shall determine each
of the following:
(1) Whether the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board and the board of regents of the University of Wisconsin System, except licenses held by the board of regents for student radio, to the broadcasting corporation.

(2) (a) If the secretary determines that the federal communications commission has approved the transfer of all the broadcasting licences held by the educational communications board to the broadcasting corporation, the effective date of the transfer of the last license transferred to the broadcasting corporation.

(b) If the secretary determines that the federal communications commission has approved the transfer of all the broadcasting licences, except licenses for student radio, held by the board of regents of the University of Wisconsin System to the broadcasting corporation, the effective date of the transfer of the last license transferred to the broadcasting corporation.

SECTION 1387. 40.02 (25) (b) 2m. of the statutes is amended to read:

40.02 (25) (b) 2m. A person employed by the department of workforce development as a Wisconsin conservation corps crew leader or regional crew leader employed by the Wisconsin conservation corps board for whom the Wisconsin conservation corps board under s. 106.215 (10) (fm) for whom that department has authorized group health care coverage under s. 106.215 (10) (fm).

SECTION 1388. 40.02 (26g) of the statutes is renumbered 40.02 (26g) (intro.) and amended to read:

40.02 (26g) (intro.) “Employee-funded reimbursement account plan” means any of the following:

(a) A plan in accordance with section 125 of the Internal Revenue Code under which an employee may direct an employer to place part of the
employee’s gross compensation in an account to pay for certain future expenses of the
employee under section 125 of the Internal Revenue Code.

SECTION 1389. 40.02 (26g) (b) of the statutes is created to read:

40.02 (26g) (b)  A plan in accordance with section 132 of the Internal Revenue
Code under which an employee may direct an employer to place part of the
employee’s gross compensation in an account to pay for certain future expenses of the
employee under section 132 of the Internal Revenue Code.

SECTION 1390. 40.02 (54) (g) of the statutes is repealed.

SECTION 1391. 40.02 (54) (i) of the statutes is created to read:

40.02 (54) (i)  The Fox River Navigational System Authority.

SECTION 1392. 40.03 (2) (v) of the statutes is created to read:

40.03 (2) (v)  May settle any dispute in an appeal of a determination made by
the department that is subject to review under sub. (1) (j), (6) (i), (7) (f), or (8) (f), or
s. 40.80 (2g), but only with the approval of the board having the authority to accept
the appeal.  In deciding whether to settle such a dispute, the secretary shall consider
the cost of litigation, the likelihood of success on the merits, the cost of delay in
resolving the dispute, the actuarial impact on the trust fund, and any other relevant
factor the secretary considers appropriate.  Any moneys paid by the department to
settle a dispute under this paragraph shall be paid from the appropriation account
under s. 20.515 (1) (r).

SECTION 1393. 40.03 (2) (w) of the statutes is created to read:

40.03 (2) (w)  If the secretary determines that an otherwise eligible participant
has unintentionally forfeited or otherwise involuntarily ceased to be eligible for any
benefit provided under this chapter principally because of an error in administration
by the department, may order the correction of the error to prevent inequity.  A
decision under this paragraph is not subject to review. The secretary shall submit a quarterly report to the employee trust funds board on decisions made under this paragraph.

**SECTION 1394.** 40.03 (6) (c) of the statutes is amended to read:

40.03 (6) (c) Shall Except as provided in par. (cm), shall not enter into any agreements to modify or expand group insurance coverage in a manner which conflicts with this chapter or rules of the department or materially affects the level of premiums required to be paid by the state or its employees, or the level of benefits to be provided, under any group insurance coverage. This restriction shall not be construed to prevent modifications required by law, prohibit the group insurance board from providing optional insurance coverages as alternatives to the standard insurance coverage when any excess of required premium over the premium for the standard coverage is paid by the employee or prohibit the group insurance board from providing other plans as authorized under par. (b).

**SECTION 1395.** 40.03 (6) (cm) of the statutes is created to read:

40.03 (6) (cm) May enter into an agreement to modify or expand group insurance coverage in a manner that materially affects the level of premiums required to be paid by the state or its employees, or the level of benefits to be provided, under any group insurance coverage, if the modification or expansion would reduce the cost incurred by the state in providing group health insurance to state employees.

**SECTION 1396.** 40.04 (9m) (a) of the statutes is amended to read:

40.04 (9m) (a) Maintain a separate account in the fund for the each employee–funded reimbursement account plan authorized under subch. VIII.

**SECTION 1397.** 40.04 (9m) (b) of the statutes is amended to read:
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40.04 (9m) (b) Credit to the account appropriate accounts established under par. (a) money received from employees in connection with the each employee-funded reimbursement account plan and income from investment of the reserves in the account.

SECTION 1398. 40.04 (9m) (c) of the statutes is amended to read:

40.04 (9m) (c) Charge to the account appropriate accounts established under par. (a) payments made to reimburse employee-funded reimbursement account plan providers for payments made to employees under the each employee-funded reimbursement account plan under subch. VIII.

SECTION 1399. 40.85 (2) (g) of the statutes is amended to read:

40.85 (2) (g) Deposit into the account appropriate accounts established under s. 40.04 (9m) (a) that part of an employee's gross compensation that the employee wants placed in an each employee-funded reimbursement account.

SECTION 1400. 40.86 (4) of the statutes is created to read:

40.86 (4) Transportation expenses authorized under section 132 of the Internal Revenue Code.

SECTION 1401. 41.19 (1) (b) of the statutes is created to read:

41.19 (1) (b) “Nonprofit organization” has the meaning given in s. 108.02 (19).

SECTION 1402. 41.19 (2m) (c) (intro.) of the statutes is amended to read:

41.19 (2m) (c) (intro.) Subject to par. (d), from the appropriation under s. 20.380 (1) (bm), the department shall, in the fiscal biennium in which an area is selected under par. (a), award a grant to the applicant on behalf of an the area of the state selected under par. (a) if all of the following apply:

SECTION 1403. 41.19 (2m) (d) of the statutes is amended to read:
41.19 (2m) (d) The department may not, under par. (c), award to an applicant on behalf of an area selected under par. (a) more than one grant per fiscal year to an applicant on behalf of an area under par. (c) and may not award grants to the applicant for more than 2 fiscal years. Grants awarded to an applicant under par. (c) may not exceed $25,000 in the first fiscal year, or $15,000 in the 2nd fiscal year, in which the applicant receives a grant under par. (c).

SECTION 1404. 41.19 (2r) of the statutes is created to read:

41.19 (2r) From the appropriation under s. 20.380 (1) (bm), the department may award to a nonprofit organization that is located in an area of the state that was selected under sub. (2m) (a) grants of up to $5,000 in any fiscal year after the fiscal biennium in which the area was selected under sub. (2m) (a). Grant proceeds must be used to promote historic and prehistoric attractions in the area, and may be used for such purposes as interpretive or directional signs, website development, advertising, and public relations. The department may award grants under this subsection to a nonprofit organization that received grants under sub. (2m) (c) as an applicant on behalf of an area of the state selected under sub. (2m) (a).

SECTION 1405. 42.035 of the statutes is amended to read:

42.035 Treatment of certain state fair park board employees.
Notwithstanding s. 230.08 (2) (pm), those employees holding positions in the classified service at the state fair park board on October 29, 1999, who have achieved permanent status in class before that date, shall retain, while serving in the unclassified service at the state fair park board, those protections afforded employees in the classified service under ss. 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff or reduction in base pay. Such employees shall also be eligible for transfer under s. 230.29 and shall have reinstatement
privileges to the classified service under s. 230.33 (1m). Those employees of the state fair park board on October 29, 1999, who have not achieved permanent status in class in any position at the state fair park board on that date are eligible to receive the protections, privileges and rights preserved under this section if they successfully complete service equivalent to the probationary period required in the classified service for the position that they hold on that date.

**SECTION 1406.** 43.01 (2) of the statutes is amended to read:

43.01 (2) “Division” means the division for libraries, technology, and community learning in the department.

**SECTION 1407.** 43.17 (9) (b) of the statutes is amended to read:

43.17 (9) (b) A public library system board of a multicounty library system may borrow money to accomplish any of its purposes, but the outstanding amount of such loans at any time may not exceed an amount equal to the system board’s receipts for the prior fiscal year. **A federated public library system whose territory lies within 2 or more counties may obtain a state trust fund loan to accomplish any of its purposes, but the outstanding amount of a federated public library system’s state trust fund loans, together with all other indebtedness of the system, may not exceed an amount equal to the system’s receipts for the prior fiscal year.**

**SECTION 1408.** 43.70 (2) of the statutes is amended to read:

43.70 (2) Annually, within 40 days after December 1 by January 10, the state superintendent shall apportion the amount that is estimated to be appropriated under s. 20.255 (2) (s) in the current school year to the school districts in proportion to the number of persons resident therein, as shown by the report certified under sub. (1).

**SECTION 1409.** 43.70 (3) of the statutes is amended to read:
43.70 (3) Immediately upon making such apportionment, the state superintendent shall certify to the department of administration the total estimated amount that each school district is entitled to receive under this section and shall notify each school district administrator of the estimated amount so certified for his or her school district. Within 15 days after receiving such certification, the department of administration shall issue its warrants upon which the state treasurer shall pay to each school district 50% of its total aid entitlement on or before January 31 and the balance on or before June 30, except that, beginning in the 1999-2000 school year, the state treasurer shall distribute each school district’s aid entitlement in one payment on or before June 30 May 1. The amount paid to each school district shall be based upon the amount in the appropriation account under s. 20.255 (2) (s) on April 15. All moneys distributed under this section shall be expended for the purchase of library books and other instructional materials for school libraries, but not for public library facilities operated by school districts under s. 43.52, in accordance with rules promulgated by the state superintendent. Appropriate records of such purchases shall be kept and necessary reports thereon shall be made to the state superintendent.

**SECTION 1410.** 44.02 (28) of the statutes is repealed.

**SECTION 1411.** 44.025 (1) (intro.) of the statutes is amended to read:

44.025 (1) (intro.) The historical society may use funds from the appropriation under s. 20.245 (4) (1) (t) only for the following purposes:

**SECTION 1412.** 44.025 (2) (b) of the statutes is amended to read:

44.025 (2) (b) The historical society shall transfer moneys from the appropriation account under s. 20.245 (4) (1) (s) to the historical society endowment fund to match moneys deposited into the historical society endowment fund under
par. (a) and to match moneys committed or pledged for the purposes specified in sub. (1).

**SECTION 1413.** 44.15 (4) of the statutes is amended to read:

44.15 (4) STATE-FUNDED MARKERS. The historical society may identify and authorize construction of individual markers or plaques, or any series of markers or plaques, to be funded from the appropriation under s. 20.245 (3) (d) (1) (a). No matching funds are required for a marker or plaque that is constructed under this subsection. Funds under this subsection may be used for the purchase of plaques to be installed on historical properties and for the construction of markers or plaques in other states or countries.

**SECTION 1414.** 44.34 (13) of the statutes is repealed.

**SECTION 1415.** 44.70 (1d) of the statutes is created to read:

44.70 (1d) “Charter school sponsor” means an entity described under s. 118.40 (2r) (b) that is sponsoring a charter school.

**SECTION 1416.** 44.70 (2g) of the statutes is amended to read:

44.70 (2g) “Educational agency” means a school district, charter school sponsor, secured correctional facility, private school, cooperative educational service agency, technical college district, private college, public library system, public library board, the Wisconsin Center for the Blind and Visually Impaired or the Wisconsin School for the Deaf.

**SECTION 1417.** 44.70 (3d) of the statutes is created to read:

44.70 (3d) “Political subdivision” means any city, village, town, or county.

**SECTION 1418.** 44.70 (3r) of the statutes is created to read:

44.70 (3r) “Secured correctional facility” means the Southern Oaks Girls School, the Ethan Allen School, and the Lincoln Hills School.
SECTION 1419. 44.70 (4) of the statutes is amended to read:

44.70 (4) “Telecommunications” has the meaning given in s. 16.99 (1) 22.01 (10).

SECTION 1420. 44.71 (2) (a) of the statutes is renumbered 44.71 (2), and 44.71 (2) (g) and (h), as renumbered, are amended to read:

44.71 (2) (g) Coordinate the purchasing of educational technology materials, supplies, equipment, and contractual services for school districts, cooperative educational service agencies, technical college districts, and the board of regents of the University of Wisconsin System by the department under s. 16.72 (8), and, in cooperation with the department and subject to the approval of the department of electronic government, establish standards and specifications for purchases of educational technology hardware and software by school districts, cooperative educational service agencies, technical college districts, and the board of regents of the University of Wisconsin System.

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

SECTION 1421. 44.71 (2) (bm) of the statutes is repealed.

SECTION 1422. 44.72 (1) (intro.) of the statutes is amended to read:

44.72 (1) EDUCATIONAL TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE GRANTS. (intro.) From the appropriation under s. 20.275 (1) (et), the board shall award grants
to cooperative educational service agencies and to consortia consisting of 2 or more
school districts, charter school sponsors, secured correctional facilities, or
cooperative educational service agencies, or one or more school districts, charter
school sponsors, secured correctional facilities, or cooperative educational service
agencies and one or more public library boards, to provide technical assistance and
training in the use of educational technology. An applicant for a grant shall submit
to the board a plan that specifies the school districts, charter school sponsors, secured
correctional facilities, and public library boards that will participate in the program
and describes how the funds will be allocated. The board shall do all of the following:

SECTION 1423. 44.72 (2) (b) 1. d. of the statutes is created to read:

44.72 (2) (b) 1. d. For a charter school sponsor, “equalized valuation per
member” means equalized valuation, as defined in s. 121.004 (2), divided by
membership, as defined in s. 121.004 (5), of the school district operating under ch.
119.

SECTION 1424. 44.72 (2) (b) 2. of the statutes is amended to read:

44.72 (2) (b) 2. From the appropriation under s. 20.275 (1) (f), annually the
board shall pay $5,000 to each eligible school district and $5,000 to the department
of corrections for each eligible correctional facility. The department of corrections
shall allocate funds received under this subsection among the eligible secured
correctional facilities as it deems appropriate. The board shall distribute the balance
in the appropriation to eligible school districts and to charter school sponsors in
proportion to the weighted membership of each school district and charter school
sponsor, which shall be determined for a school district by dividing the statewide
average equalized valuation per member by the school district’s equalized valuation
per member and multiplying the result by the school district’s membership, as
defined in s. 121.004 (5), and which shall be determined for a charter school sponsor by dividing the statewide average equalized valuation per member by the charter school sponsor’s equalized valuation per member and multiplying the result by the number of pupils attending the charter school on the 3rd Friday of September.

Section 1425. 44.72 (2) (c) of the statutes is amended to read:

44.72 (2) (c) A school district is eligible for a grant under par. (b) 2. only if the annual meeting in a common school district, or the school board in a unified school district or in a school district operating under ch. 119, adopts a resolution requesting the grant. A secured correctional facility is eligible for a grant under par. (b) 2. only if the secretary of corrections submits a written request to the board. A grant under this subsection may not be used to replace funding available from other sources.

Section 1426. 44.72 (2) (d) of the statutes is amended to read:

44.72 (2) (d) A school district or secured correctional facility receiving a grant under par. (b) shall deposit the moneys in a separate fund. The moneys may be used for any purpose related to educational technology, except that a school district or secured correctional facility may not use the moneys to pay the salary or benefits of any school district or secured correctional facility employee. A charter school sponsor that receives a grant under par. (b) may use the moneys for any purpose related to educational technology that benefits the pupils attending the charter school, except that a charter school sponsor may not use the moneys to pay the salary or benefits of any charter school employee.

Section 1427. 44.72 (2) (dm) of the statutes is created to read:

44.72 (2) (dm) A school district receiving a grant under par. (b) shall submit an annual report to the board concerning the specific purposes for which the school district uses the grant.
SECTION 1428. 44.72 (4) (a) of the statutes is renumbered 44.72 (4) (a) 1. and amended to read:

44.72 (4) (a) 1. The board may provide financial assistance under this subdivision to school districts and charter school sponsors from the proceeds of public debt contracted under s. 20.866 (2) (zc) and to public library boards from the proceeds of public debt contracted under s. 20.866 (2) (zcm). Financial assistance under this subdivision may be used only for the purpose of upgrading the electrical wiring of school and library buildings in existence on October 14, 1997, and installing and upgrading computer network wiring.

SECTION 1429. 44.72 (4) (a) 2. of the statutes is created to read:

44.72 (4) (a) 2. The board may provide financial assistance under this subdivision to public library boards from the proceeds of public debt contracted under s. 20.866 (2) (zcp). Financial assistance under this subdivision may be used only for the purpose of purchasing communications servers, routers, hubs, or switches that enable a computer network in a library building to be directly connected to the Internet. Financial assistance under this subdivision may not be used for the purchase of personal computers. The board shall establish, on a per building basis, the maximum amount of a financial assistance under this subdivision.

SECTION 1430. 44.72 (4) (b) of the statutes is amended to read:

44.72 (4) (b) Financial assistance applications, terms and conditions. The board shall establish application procedures for, and the terms and conditions of, financial assistance under this subsection par. (a), including a condition requiring a charter school sponsor to use financial assistance under par. (a) for wiring upgrading and installation that benefits pupils attending the charter school. The
procedures shall allow a public library board to apply for financial assistance under par. (a) 1. or 2. or under both par. (a) 1. and 2. The board shall make a loan to a school district, charter school sponsor, or public library board in an amount equal to 50% of the total amount of financial assistance for which the board determines the school district, charter school sponsor, or public library board is eligible and provide a grant to the school district, charter school sponsor, or public library board for the remainder of the total. The terms and conditions of any financial assistance under this subsection par. (a) 1. or 2. may include provision of professional building construction services under s. 16.85 (15). The terms and conditions of any financial assistance under par. (a) 2. shall require the recipient to apply for a rate discount under 47 USC 254 for any servers, routers, hubs, or switches that are purchased with the financial assistance. The board shall determine the interest rate on loans under this subsection par. (a). The interest rate shall be as low as possible but shall be sufficient to fully pay all interest expenses incurred by the state in making the loans and to provide reserves that are reasonably expected to be required in the judgment of the board to ensure against losses arising from delinquency and default in the repayment of the loans. The term of a loan under this subsection par. (a) 1. may not exceed 10 years and the term of a loan under par. (a) 2. may not exceed 4 years.

Section 1431. 44.72 (4) (c) of the statutes is amended to read:

44.72 (4) (c) Repayment of loans. The board shall credit all moneys received from school districts and charter school sponsors for repayment of loans under this subsection to the appropriation account under s. 20.275 (1) (h). The board shall credit all moneys received from public library boards for repayment of loans under this subsection to the appropriation account under s. 20.275 (1) (hb).

Section 1432. 44.72 (4) (d) of the statutes is amended to read:
44.72 (4) (d) Funding for financial assistance. The board, with the approval of the governor and subject to the limits of s. 20.866 (2) (zc) and (zcm), and (zcp), may request that the building commission contract public debt in accordance with ch. 18 to fund financial assistance under this subsection.

SECTION 1433. 44.73 (1) of the statutes is amended to read:

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

SECTION 1434. 44.73 (2) (a) of the statutes is amended to read:

44.73 (2) (a) Allow an educational agency to make a request to the board for access to either one data line or one video link, except that any educational agency may request access to additional data lines if the agency shows to the satisfaction of the board that the additional data lines are more cost-effective than a single data line and except that a school district that operates more than one high school or a public library board that operates more than one library facility may request access to both a data line and a video link and access to more than one data line or video link.

SECTION 1435. 44.73 (2) (b) of the statutes is amended to read:

44.73 (2) (b) Establish eligibility requirements for an educational agency to participate in the program established under sub. (1), including a requirement that a charter school sponsor use data lines and video links to benefit pupils attending the charter school.

SECTION 1436. 44.73 (2) (f) of the statutes is created to read:
44.73 (2) (f) Ensure that secured correctional facilities that receive access under this section to data lines and video links use them only for educational purposes.

**SECTION 1437.** 44.73 (2g) of the statutes is created to read:

44.73 (2g) An educational agency that is provided access to a data line under the program established under sub. (1) may not do any of the following:

(a) Provide access to the data line to any business entity, as defined in s. 13.62 (5).

(b) Request access to an additional data line for purposes of providing access to bandwidth to a political subdivision under a shared service agreement under sub. (2r) (a).

**SECTION 1438.** 44.73 (2r) of the statutes is created to read:

44.73 (2r) (a) A public library board that is provided access to a data line under the program established under sub. (1) may enter into a shared service agreement with a political subdivision that provides the political subdivision with access to any excess bandwidth on the data line that is not used by the public library board, except that a public library board may not sell, resell, or transfer in consideration for money or anything of value to a political subdivision access to any excess bandwidth. A shared service agreement under this paragraph is not valid unless the agreement allows the public library board to cancel the agreement at any time after providing notice to the political subdivision.

(b) A political subdivision that obtains access to bandwidth under a shared service agreement under par. (a) may not receive compensation for providing any other person with access to the bandwidth.
(c) A public library board shall provide the technology for educational
achievement in Wisconsin board with written notice within 30 days after entering
into or modifying a shared service agreement under par. (a).

SECTION 1439. 44.73 (3) of the statutes is amended to read:

44.73 (3) The board shall submit an annual report to the department on the
status of providing data lines and video links that are requested under sub. (2) (a)
and the impact on the universal service fund of any payment under contracts under
s. 16.974 (7).

SECTION 1440. 44.73 (6) of the statutes is amended to read:

44.73 (6) From the appropriation under s. 20.275 (1) (s) or (tm), the board may
award an annual grant to a school district or private school that had in effect on
October 14, 1997, a contract for access to a data line or video link, as documented by
the board. The board shall determine the amount of the grant, which shall be equal
to the cost incurred by the state to provide telecommunications access to a school
district or private school under a contract entered into under s. 16.974 (7) (a) or (c)
(1) or (3) less the amount that the school district or private school would be paying
under sub. (2) (d) if the school district or private school were participating in the
program established under sub. (1), except that the amount may not be greater than
the cost that a school district or private school incurs under the contract in effect on
October 14, 1997. A school district or private school receiving a grant under this
subsection is not eligible to participate in the program under sub. (1). No grant may
be awarded under this subsection after June 30, 2002.

SECTION 1441. 45.01 of the statutes is renumbered 45.014.

SECTION 1442. 45.25 (1) of the statutes is amended to read:
45.25 (1) ADMINISTRATION. The department of veterans affairs shall administer a tuition and fee reimbursement program for eligible veterans enrolling as undergraduates in any institution of higher education, as defined in s. 45.396 (1) (a), in this state, enrolling in a school that is approved under s. 45.35 (9m), enrolling in a proprietary school that is approved under s. 45.54, or receiving a waiver of nonresident tuition under s. 39.47.

SECTION 1443. 45.25 (2) (d) of the statutes is amended to read:

45.25 (2) (d) The individual is a resident at the time of application for the tuition and fee reimbursement program and was a Wisconsin resident at the time of entry or reentry into service or was a resident for any consecutive 5-year 12-month period after entry or reentry into service and before the date of his or her application. If a person applying for a benefit under this section meets that 5-consecutive-year residency requirement of 12 consecutive months, the department may not require the person to reestablish that he or she meets the 5-consecutive-year residency requirement when he or she later applies for any other benefit under this chapter that requires a 5-consecutive-year residency.

SECTION 1444. 45.25 (3) (a) of the statutes is amended to read:

45.25 (3) (a) Except as provided in par. (am), an individual who meets the requirements under sub. (2), upon satisfactory completion of a full-time undergraduate semester in any institution of higher education, as defined in s. 45.396 (1) (a), in this state, any school that is approved under s. 45.35 (9m), any proprietary school that is approved under s. 45.54, or any institution from which the individual receives a waiver of nonresident tuition under s. 39.47, may be reimbursed for up to 65% an amount not to exceed the total cost of the individual’s tuition and fees. The reimbursement under this paragraph is limited to a maximum
of 65% of minus any grants or scholarships, including those made under s. 21.49, that
the individual receives specifically for the payment of the tuition or fees, or the
standard cost for a state resident for an equivalent undergraduate course at the
University of Wisconsin–Madison per course or the difference between the
individual's tuition and fees and the grants or scholarships, including those made
under s. 21.49, that the individual receives specifically for the payment of the tuition
or fees, whichever is less. Reimbursement is available only for tuition and fees that
are part of a curriculum that is relevant to a degree in a particular course of study
at the institution.

SECTION 1445. 45.25 (3) (am) of the statutes is repealed.

SECTION 1446. 45.25 (3) (b) (intro.) of the statutes is amended to read:

45.25 (3) (b) (intro.) An application for reimbursement of tuition and fees under
par. (a) or (am) shall meet all of the following requirements:

SECTION 1447. 45.25 (4) (a) of the statutes is amended to read:

45.25 (4) (a) An individual is not eligible for reimbursement under sub. (2) for
more than 120 credits or 8 full semesters of full-time study at any institution of
higher education, as defined in s. 45.396 (1) (a), in this state, 60 credits or 4 full
semesters of full-time study at any institution of higher education, as defined in s.
45.396 (1) (a), in this state that offers a degree upon completion of 60 credits, or an
equivalent amount of credits at a school that is approved under s. 45.35 (9m), at a
proprietary school that is approved under s. 45.54, or at an institution where he or
she is receiving a waiver of nonresident tuition under s. 39.47.

SECTION 1448. 45.35 (2) of the statutes is renumbered 45.012 and amended to
read:
**45.012 Definition.** In this chapter subchapter, “board” means the board of veterans affairs.

**SECTION 1449.** 45.35 (2g) of the statutes is created to read:

45.35 (2g) **Definition.** In this section, “department” means the department of veterans affairs.

**SECTION 1450.** 45.35 (3d) (a) of the statutes is amended to read:

45.35 (3d) (a) The council on veterans programs created under s. 15.497 shall advise the board of veterans affairs and the department of veterans affairs on solutions and policy alternatives relating to the problems of veterans.

**SECTION 1451.** 45.35 (3d) (b) of the statutes is amended to read:

45.35 (3d) (b) The council on veterans programs and the department of veterans affairs, jointly or separately, shall submit a report regarding the council on veterans programs to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) by November 1, 1989, and by September 30 of every odd-numbered year thereafter. The report shall include a general summary of the activities and membership over the past 2 years of the council and each organization on the council.

**SECTION 1452.** 45.35 (5) (a) 2. c. of the statutes is amended to read:

45.35 (5) (a) 2. c. Has been a resident of this state for any consecutive 5-year 12-month period after entry or reentry into service and before the date of his or her application or death. If a person applying for a benefit under this subchapter meets that 5-consecutive-year that residency requirement of 12 consecutive months, the department may not require the person to reestablish that he or she meets the 5-consecutive-year that residency requirement when he or she later applies for any other benefit under this chapter that requires a 5-consecutive-year that residency.
SECTION 1453. 45.35 (5) (e) 8. of the statutes is amended to read:

45.35 (5) (e) 8. Persian Gulf war: Between August 1, 1990, and the ending date of Operation Desert Shield or the ending date of Operation Desert Storm as established by the department of veterans affairs by rule.

SECTION 1454. 45.351 (1) of the statutes is amended to read:

45.351 (1) Subsistence grants. The department may grant subsistence aid to any incapacitated individual who is a veteran or to any dependent of a veteran in an amount that the department determines is advisable to prevent want or distress. The department may grant subsistence aid under this subsection to an individual whose incapacitation is the result of the individual’s abuse of alcohol or other drugs. The department may grant subsistence aid on a month-to-month basis or for a 3-month period. The department may grant subsistence aid for a 3-month period if the veteran or dependent whose incapacity is the basis for the aid will be incapacitated for more than 3 months and if earned or unearned income or aid from sources other than those listed in the application will not be available in the 3-month period. Subsistence aid is limited to a maximum of 3 months in a 12-month period unless the department determines that the need for subsistence aid in excess of this maximum time period is caused by the aid recipient’s relapse. The department may submit a request to the joint committee on finance for supplemental funds from the veterans trust fund to be credited to the appropriation account under s. 20.485 (2) (vm) for subsistence grants to veterans. If the cochairpersons of the committee do not notify the secretary of the department within 14 working days after the date of the department’s submittal that the committee intends to schedule a meeting to review the request, the appropriation account shall be supplemented as provided in the request. If, within 14 working days after the date of the department’s submittal,
the cochairpersons of the committee notify the secretary of the department that the committee intends to schedule a meeting to review the request, the appropriation account shall be supplemented only as approved by the committee.

**SECTION 1455.** 45.351 (1j) of the statutes is repealed.

**SECTION 1456.** 45.351 (2m) of the statutes is created to read:

45.351 (2m) Grants for eye and dental care. From the appropriation under s. 20.485 (2) (vg), the department may award grants to eligible veterans or their dependents for the costs of eyeglasses, contact lenses, hearing aids, and basic dental care, including dentures. The department shall promulgate rules establishing criteria and procedures for awarding grants under this subsection, including rules that specify the financial eligibility requirements and application procedures.

**SECTION 1457.** 45.353 (2) of the statutes is amended to read:

45.353 (2) Upon application the department shall make a payment to any state veterans organization that establishes that it, or its national organization, or both, has maintained a full-time service office at the regional office for at least 5 of the 10 years preceding the date of application. The payment shall equal 25% of all salaries and travel expenses under sub. (3) paid during the previous fiscal year by the state veterans organization to employees engaged in veterans claims service and stationed at the regional office, except that the sum paid to a state veterans organization annually shall not be less than either $2,500, or the amount of salaries and travel expenses paid by the state veterans organization to employees stationed at the regional office, whichever is less, nor more than $20,000 $30,000.

**SECTION 1458.** 45.353 (3m) of the statutes is created to read:
45.353 (3m) From the appropriation under s. 20.485 (2) (s), the department shall annually provide a grant of $100,000 to the Wisconsin department of the Disabled American Veterans for the provision of transportation services to veterans.

**SECTION 1459.** 45.356 (2) of the statutes is amended to read:

45.356 (2) The department may lend make a loan to a veteran, a veteran’s unremarried spouse, or a deceased veteran’s child who meets the requirements of s. 45.35 (5m) (a) 2. not more than $15,000 or a lesser amount established by the department by rule for the purchase of a mobile home, business, or business property, the education of the veteran or his or her spouse or children, the payment of medical or funeral expenses, the payment under sub. (6) (c), or the consolidation of debt. The department shall determine the amount of each loan made under this subsection by applying the criteria specified in rules promulgated under sub. (7) (bm), except that no loan may exceed $15,000. The department may prescribe loan conditions, but the term of the loan may not exceed 10 years. The department shall ensure that the proceeds of any loan made under this section shall first be applied to pay any delinquent child support or maintenance payments and to pay any past support, medical expenses, or birth expenses.

**SECTION 1460.** 45.356 (3) of the statutes is amended to read:

45.356 (3) The department may lend not more than $15,000 or a lesser amount established by the department by rule make a loan to a veteran’s remarried surviving spouse or to the parent of a deceased veteran’s child for the education of a child who meets the requirements of s. 45.35 (5m) (a) 2. The department shall determine the amount of each loan made under this subsection by applying the criteria specified in rules promulgated under sub. (7) (bm), except that no loan may exceed $15,000.

**SECTION 1461.** 45.356 (7) (bm) of the statutes is created to read:
SECTION 1461. 45.356 (7) (bm) Criteria for determining the amount of each loan made under subs. (2) and (3).

SECTION 1462. 45.37 (3) of the statutes is amended to read:

45.37 (3) EXCEPTIONS TO THE BASIC ELIGIBILITY REQUIREMENTS. A veteran who was not a resident of this state at the time of enlistment or induction into service but who is otherwise qualified for membership may be admitted if the veteran has been a resident of this state for any consecutive 5−year 12−month period after enlistment or induction into service and before the date of his or her application. If a person applying for a benefit under this subchapter meets that 5−consecutive−year the residency requirement of 12 consecutive months, the department may not require the person to reestablish that he or she meets the 5−consecutive−year that residency requirement when he or she later applies for any other benefit under this chapter that requires a 5−consecutive−year residency.

SECTION 1463. 45.37 (6) (f) of the statutes is amended to read:

45.37 (6) (f) Has been a resident of this state for the 5 years 12 months immediately preceding the date of application for membership.

SECTION 1464. 45.37 (7) (b) of the statutes is amended to read:

45.37 (7) (b) Has been a resident of this state for the 5 years next 12−months preceding the date of application for membership; and

SECTION 1465. 45.396 (1) (a) of the statutes is amended to read:

45.396 (1) (a) “Institution of higher education” has the meaning given in 20 USC 1088 (a) 20 USC 1001 (a).

SECTION 1466. 45.396 (2) of the statutes is amended to read:

45.396 (2) Any veteran upon the completion of any correspondence course or part−time classroom study from an institution of higher education located in this
state, from a school that is approved under s. 45.35 (9m), from a proprietary school
that is approved under s. 45.54, or from any public or private high school may be
reimbursed in part for the cost of the course by the department upon presentation
to the department of a certificate from the school indicating that the veteran has
completed the course and stating the cost of the course and upon application for
reimbursement completed by the veteran and received by the department no later
than 60 days after the termination of the course for which the application for
reimbursement is made. The department shall accept and process an application
received more than 60 days after the termination of the course if the applicant shows
good cause for the delayed receipt. The department may not require that an
application be received sooner than 60 days after a course is completed. Benefits
granted under this section shall be paid out of the appropriation under s. 20.485 (2)
(th).

SECTION 1467. 45.396 (3) (intro.) of the statutes is amended to read:

45.396 (3) (intro.) A veteran who is a resident of this state and otherwise
qualified to receive benefits under this section may receive the benefits under this
section upon the completion of any correspondence courses or part-time classroom
study from an institution of higher education located outside this state, from a school
that is approved under s. 45.35 (9m), or from a proprietary school that is approved
under s. 45.54, if any of the following applies:

SECTION 1468. 45.396 (5) of the statutes is amended to read:

45.396 (5) Except as provided in sub. (9), the amount of the reimbursement
may not exceed 65% of the total cost of tuition and fees and shall also be limited
to a maximum of 65% of the standard cost for a state resident for tuition and fees
for an equivalent undergraduate course at the University of Wisconsin–Madison per
course, whichever is less, and may not be provided to an individual more than 4 times during any consecutive 12-month period.

**SECTION 1469.** 45.396 (9) of the statutes is repealed.

**SECTION 1470.** 45.397 (1) of the statutes is amended to read:

45.397 (1) **GRANT AMOUNT AND APPLICATION.** The department may grant a veteran not more than $3,000 for retraining to enable the veteran to obtain gainful employment. The department shall determine the amount of the grant based on the veteran's financial need. A veteran may apply for a grant to the county veterans' service officer of the county in which the veteran is living. The department may, on behalf of a veteran who is engaged in a structured on-the-job training program and who meets the requirements under sub. (2), pay a retraining grant under this subsection to the veteran's employer.

**SECTION 1471.** 45.54 (2) of the statutes is amended to read:

45.54 (2) **PURPOSE.** The purpose of the board is to approve schools and courses of instruction for the training of veterans of the armed forces and war orphans receiving assistance from the federal government, protect the general public by inspecting and approving private trade, correspondence, business, and technical schools doing business within this state whether located within or outside this state, changes of ownership or control of these schools, teaching locations used by these schools, and courses of instruction offered by these schools and to regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by these schools.

**SECTION 1472.** 45.54 (6) of the statutes is renumbered 45.35 (9m), and 45.35 (9m) (a), as renumbered, is amended to read:
45.35 (9m) (a) Except as provided in par. (b), the board department shall be the state approval agency for the education and training of veterans and war orphans. The department shall approve and supervise schools and courses of instruction for the training of veterans and war orphans under Title 38, USC, and may enter into and receive money under contracts with the U.S. department of veterans affairs or other appropriate federal agencies.

**SECTION 1473.** 45.71 (16) (a) 2m. a. of the statutes is amended to read:

45.71 (16) (a) 2m. a. Has been a resident of this state for any consecutive 5-year 12-month period after enlistment or induction into service and before the date of his or her application or death. If a person applying for a benefit under this subchapter meets that 5-consecutive-year the residency requirement of 12 consecutive months, the department may not require the person to reestablish that he or she meets the 5-consecutive-year that residency requirement when he or she applies for any other benefit under this chapter that requires a 5-consecutive-year that residency.

**SECTION 1474.** 45.76 (1) (c) of the statutes is amended to read:

45.76 (1) (c) Home improvements. A loan of not more than $25,000 to improve a home, including the construction of a garage or the removal or other alteration of existing improvements that were made to improve the accessibility of a home for a disabled individual.

**SECTION 1475.** 45.79 (3) (b) of the statutes is amended to read:

45.79 (3) (b) Casualty insurance coverage. Mortgages given to secure loans under this section shall provide for adequate fire and extended coverage insurance. Policies providing such insurance coverage shall name the authorized lender involved or the department as an insured.

**SECTION 1476.** 45.79 (5) (a) 6. of the statutes is amended to read:
Section 1476. 45.79 (5) (a) 6. Require borrowers to make monthly escrow payments to be held by the authorized lender or the department for real estate taxes and casualty insurance premiums which. The authorized lender or, if the department holds the payments in escrow, the department shall be paid by the authorized lender where due to the extent of the amounts owing thereon or to the extent escrowed, whichever is less pay all of the amounts due for real estate taxes and casualty insurance premiums, even if the amount held in escrow is insufficient to cover the amounts due. If the amount held in escrow is insufficient to cover the amounts due, the authorized lender or, if the department holds the payments in escrow, the department shall recover from the borrower, after paying the amounts due under this subdivision, an amount equal to the difference between the amounts paid and the amount held in escrow. If the amount held in escrow is more than the amounts due, the authorized lender or, if the department holds the payments in escrow, the department shall refund to the borrower, after paying the amounts due under this subdivision, an amount equal to the difference between the amount held in escrow and the amounts paid by the authorized lender or the department.

Section 1477. 45.79 (5) (a) 10. of the statutes is created to read:

45.79 (5) (a) 10. Service loans made under this section and purchase from authorized lenders the servicing rights for loans made by authorized lenders under this section.

Section 1478. 45.79 (5) (b) of the statutes is amended to read:

45.79 (5) (b) 1. Persons Veterans receiving loans under this section shall pay at the time of closing an origination fee to the authorized lender participating in the loan, except that the department shall pay, on behalf of a veteran who receives a loan under this section and who has at least a 30% service connected disability rating for
purposes of 38 USC 1114 or 1134, the origination fee to the authorized lender. The origination fee charged to borrowers under this section paragraph shall be negotiated between the department and the authorized lender but may not exceed that which the authorized lender would charge other borrowers in the ordinary course of business under the same or similar circumstances.

**SECTION 1479.** 45.79 (7) (a) (intro.) of the statutes is amended to read:

45.79 (7) (a) (intro.) There is created the veterans mortgage loan repayment fund. All moneys received by the department for the repayment of loans funded under sub. (6) (a) except for servicing fees required to be paid to authorized lenders, net proceeds from the sale of mortgaged properties, any repayment to the department of moneys paid to authorized lenders, gifts, grants, other appropriations, and interest earnings accruing thereon, any repayment of moneys borrowed under s. 45.356 (9) (a), all moneys received under sub. (5) (a) 6., and any moneys deposited or transferred under s. 18.04 (6) (b) or (d) shall be promptly deposited into the veterans mortgage loan repayment fund. The board shall establish by resolution a system of accounts providing for the maintenance and disbursement of moneys of the veterans mortgage loan repayment fund to fund loans under sub. (6) (a) or to fund, refund, or acquire public debt as provided in s. 18.04 (5). The system of accounts shall record and provide moneys for all of the following purposes:

**SECTION 1480.** 45.79 (7) (a) 4. of the statutes is amended to read:

45.79 (7) (a) 4. Payment of all costs incurred by the department in processing and servicing loans, purchasing servicing rights for loans under this section, and accounting for and administering the program under this section, including a portion of grants made to county veterans’ service officers under s. 45.43 (7).
**SECTION 1481.** 45.79 (7) (a) 10. of the statutes is created to read:

45.79 (7) (a) 10. Payment of origination fees, on behalf of veterans who have at least a 30% service connected disability rating for purposes of 38 USC 1114 or 1134, to authorized lenders under sub. (5) (b).

**SECTION 1482.** 45.79 (7) (a) 11. of the statutes is created to read:

45.79 (7) (a) 11. To make payments required of the department under sub. (5) (a) 6.

**SECTION 1483.** 46.03 (34) of the statutes is amended to read:

46.03 (34) **Fetal alcohol syndrome and drug danger pamphlets.** The department shall acquire, without cost if possible, pamphlets that describe the causes and effects of fetal alcohol syndrome and the dangers to a fetus of the mother’s use of cocaine or other drugs during pregnancy and shall distribute the pamphlets free of charge to each county clerk in sufficient quantities so that each county clerk may provide pamphlets to marriage license applicants under s. 765.12 (1) (a).

**SECTION 1484.** 46.031 (2r) (a) 3. of the statutes is amended to read:

46.031 (2r) (a) 3. Is for the treatment of alcoholics in treatment facilities which have not been approved by the department in accordance with s. 51.45 (8) 51.04 (1) or conditionally approved by the department in accordance with s. 51.04 (3).

**SECTION 1485.** 46.036 (5m) (a) 1. of the statutes is amended to read:

46.036 (5m) (a) 1. “Provider” means a nonstock corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), and that contracts under this section to provide client services on the basis of a unit rate per client service or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 that contracts under this section to provide client services on the basis of a unit rate per client service.
SECTION 1486. 46.036 (5m) (b) 1. of the statutes is amended to read:

46.036 (5m) (b) 1. Subject to subd. 2. and pars. (e) and (em), if revenue under a contract for the provision of a rate-based service exceeds allowable costs incurred in the contract period, the provider may retain from the surplus generated by that rate-based service up to 5% of the revenue received under the contract. A provider that retains a surplus under this subdivision shall use that retained surplus to cover a deficit between revenue and allowable costs incurred in any preceding or future contract period for the same rate-based service that generated the surplus or to address the programmatic needs of clients served by the same rate-based service that generated the surplus.

SECTION 1487. 46.036 (5m) (b) 2. of the statutes is amended to read:

46.036 (5m) (b) 2. A provider may accumulate funds from more than one contract period under this paragraph, except that, if at the end of a contract period the amount accumulated from all contract periods for a rate-based service exceeds 10% of the revenue received under all current contracts for that rate-based service, the provider shall, at the request of a purchaser, return to that purchaser the purchaser’s proportional share of that excess and use any of that excess that is not returned to a purchaser to reduce the provider’s unit rate per client for that rate-based service in the next contract period. If a provider has held for 4 consecutive contract periods an accumulated reserve for a rate-based service that is equal to or exceeds 10% of the revenue received under all current contracts for that rate-based service, the provider shall apply 50% of that accumulated amount to reducing its unit rate per client for that rate-based service in the next contract period.

SECTION 1488. 46.036 (5m) (e) of the statutes is amended to read:
46.036 (5m) (e) Notwithstanding this subsection par. (b) 1. and 2., the
department or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437
that purchases care and services from an inpatient alcohol and other drug abuse
treatment program that is not affiliated with a hospital and that is licensed as a
community-based residential facility, may allocate to the program an amount that
is equal to the amount of revenues received by the program that are in excess of the
allowable costs incurred in the period of a contract between the program and the
department or the county department for purchase of care and services under this
section. The department or the county department may make the allocation under
this paragraph only if the funds so allocated do not reduce any amount of
unencumbered state aid to the department or the county department that otherwise
would lapse to the general fund.

SECTION 1489. 46.036 (5m) (em) of the statutes is created to read:

46.036 (5m) (em) Notwithstanding pars. (b) 1. and 2. and (e), a county
department under s. 46.215, 51.42, or 51.437 providing client services in a county
having a population of 500,000 or more or a nonstock, nonprofit corporation
providing client services in such a county may not retain a surplus under par. (b) 1.,
accumulate funds under par. (b) 2., or allocate an amount under par. (e) from
revenues that are used to meet the maintenance-of-effort requirement under the
federal temporary assistance for needy families program under 42 USC 601 to 619.

SECTION 1490. 46.043 (2) of the statutes is amended to read:

46.043 (2) Services under this section may be provided only under contract
between the department and a county department under s. 46.215, 46.22 or 46.23,
a school district or another public or private entity within the state to persons
referred from those entities, at the discretion of the department. The department
shall charge the referring entity all costs associated with providing the services. Unless a referral is made, the department may not offer services under this section to the person who is to receive the services or his or her family. The department may not impose a charge for services under this section upon the person receiving the services or his or her family. The department shall credit any revenues received under this section to the appropriation account under s. 20.435 (2) (gk) (g).

Section 1491. 46.057 (2) of the statutes is amended to read:

46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the department of corrections shall transfer to the appropriation account under s. 20.435 (2) (kx) $1,273,900 $1,379,300 in fiscal year 1999–2000 2001–02 and $1,379,300 in fiscal year 2000–01 2002–03 and, from the appropriation account under s. 20.410 (3) (hm), the department of corrections shall transfer to the appropriation account under s. 20.435 (2) (kx) $2,489,300 $2,694,400 in fiscal year 1999–2000 2001–02 and $2,489,900 $2,947,200 in fiscal year 2000–01 2002–03 for services for juveniles placed at the Mendota juvenile treatment center. The department of health and family services may charge the department of corrections not more than the actual cost of providing those services.

Section 1492. 46.10 (8m) (b) 2. of the statutes is amended to read:

46.10 (8m) (b) 2. Paragraph (a) 2. and 4. does not apply to services provided under s. 51.06 (4) (1m) (d) that are billed under s. 51.437 (4rm) (c) 2m. and does not apply to treatment and services provided under s. 51.42 (3) (aw) 1. d.

Section 1493. 46.10 (14) (a) of the statutes is amended to read:

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

SECTION 1494. 46.10 (14) (b) of the statutes is amended to read:

46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
parent's minor child who has been placed by a court order under s. 48.355 or 48.357
in a residential, nonmedical facility such as a group home, foster home, treatment
foster home, subsidized guardianship home, or child caring institution shall be
determined by the court by using the percentage standard established by the
department of workforce development under s. 49.22 (9) and by applying the
percentage standard in the manner established by the department under s. 46.247.

SECTION 1495. 46.22 (1) (d) of the statutes is repealed.

SECTION 1496. 46.22 (2) (b) of the statutes is amended to read:

46.22 (2) (b) Appoint the county social services director under sub. (3) subject
to s. 49.33 (4) to (7) and the rules promulgated thereunder and subject to the approval
of the county board of supervisors in a county with a single-county department of
social services or the county boards of supervisors in counties with a multicounty
department of social services.

SECTION 1497. 46.22 (3m) (a) of the statutes is amended to read:

46.22 (3m) (a) In any county with a county executive or a county administrator
which has established a single-county department of social services, the county
executive or county administrator, subject to s. 49.33 (4) to (7) and the rules
promulgated thereunder, shall appoint and supervise the county social services
director. The appointment is subject to the confirmation of the county board of
supervisors unless the county board of supervisors, by ordinance, elects to waive
confirmation or unless the appointment is made under a civil service system
competitive examination procedure established under s. 59.52 (8) or ch. 63.

SECTION 1498. 46.261 (1) (a) of the statutes is amended to read:

46.261 (1) (a) The child is living in a foster home or treatment foster home
licensed under s. 48.62 if a license is required under that section, in a foster home
or treatment foster home located within the boundaries of a federally recognized
American Indian reservation in this state and licensed by the tribal governing body
of the reservation, in a group home licensed under s. 48.625, in a subsidized
guardianship home under s. 48.62 (5), or in a child caring institution licensed under
s. 48.60, and has been placed in the foster home, treatment foster home, group home,
subsidized guardianship home, or institution by a county department under s.
46.215, 46.22, or 46.23, by the department, or by a federally recognized American
Indian tribal governing body in this state under an agreement with a county
department under s. 46.215, 46.22, or 46.23.

SECTION 1499. 46.261 (2) (a) 1. of the statutes is amended to read:
46.261 (2) (a) 1. A nonrelative who cares for the dependent child in a foster home or treatment foster home having a license under s. 48.62, in a foster home or treatment foster home located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation or in a group home licensed under s. 48.625, a subsidized guardian under s. 48.62 (5) who cares for the dependent child, or a minor custodial parent who cares for the dependent child, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 46.495 (2) and the percentage rate of participation set forth in s. 46.495 (1) (d) for aid granted under this section except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215 or 46.22 or the department under s. 48.48 (17) shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 1500. 46.261 (2) (a) 3. of the statutes is amended to read:

46.261 (2) (a) 3. A county or, in a county having a population of 500,000 or more, the department, when the child is placed in a licensed foster home, treatment foster home, group home or child caring institution or in a subsidized guardianship home by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or if the child was removed from the home of a relative, as defined under s. 48.02 (15), as a result of a judicial determination that continuance in the home of
the relative would be contrary to the child's welfare for any reason and the placement
is made pursuant to an agreement with the county department or the department.

SECTION 1501. 46.261 (2) (a) 4. of the statutes is amended to read:

46.261 (2) (a) 4. A licensed foster home, treatment foster home, group home,
or child caring institution or a subsidized guardianship home when the child is in the
custody or guardianship of the state, when the child is a ward of an American Indian
tribal court in this state and the placement is made under an agreement between the
department and the tribal governing body, or when the child was part of the state's
direct service case load and was removed from the home of a relative, as defined
under s. 48.02 (15), as a result of a judicial determination that continuance in the
home of a relative would be contrary to the child's welfare for any reason and the child
is placed by the department.

SECTION 1502. 46.261 (2) (b) of the statutes is amended to read:

46.261 (2) (b) Notwithstanding par. (a), aid under this section may not be
granted for placement of a child in a foster home or treatment foster home licensed
by a federally recognized American Indian tribal governing body, for placement of a
child in a foster home, treatment foster home, group home, subsidized guardianship
home, or child caring institution by a tribal governing body or its designee, or for the
placement of a child who is a ward of a tribal court if the tribal governing body is
receiving or is eligible to receive funds from the federal government for that type of
placement or for placement of a child in a group home licensed under s. 48.625.

SECTION 1503. 46.27 (9) (a) of the statutes is amended to read:

46.27 (9) (a) The department may select up to 5 counties that volunteer to
participate in a pilot project under which they will receive certain funds allocated for
long-term care. The department shall allocate a level of funds to these counties
equal to the amount that would otherwise be paid under s. 20.435 (4) (b) or (w) to
nursing homes for providing care because of increased utilization of nursing home
services, as estimated by the department. In estimating these levels, the department
shall exclude any increased utilization of services provided by state centers for the
developmentally disabled. The department shall calculate these amounts on a
calendar year basis under sub. (10).

SECTION 1504. 46.27 (10) (a) 1. of the statutes is amended to read:

46.27 (10) (a) 1. The department shall determine for each county participating
in the pilot project under sub. (9) a funding level of state medical assistance
expenditures to be received by the county. This level shall equal the amount that the
department determines would otherwise be paid under s. 20.435 (4) (b) or (w) because
of increased utilization of nursing home services, as estimated by the department.

SECTION 1505. 46.27 (11) (c) 6. a. of the statutes is amended to read:

46.27 (11) (c) 6. a. The department approves the provision of services in a
community-based residential facility or group home that has 5 to 8 beds or in a
community-based residential facility that has 5 to 20 beds.

SECTION 1506. 46.275 (5) (a) of the statutes is amended to read:

46.275 (5) (a) Medical assistance reimbursement for services a county, or the
department under sub. (3r), provides under this program is available from the
appropriations under s. 20.435 (4) (b) and (o), and (w). If 2 or more counties jointly
contract to provide services under this program and the department approves the
contract, medical assistance reimbursement is also available for services provided
jointly by these counties.

SECTION 1507. 46.275 (5) (c) of the statutes is amended to read:
46.275 (5) (c) The total allocation under s. 20.435 (4) (b) and (o), and (w) to counties and to the department under sub. (3r) for services provided under this section may not exceed the amount approved by the federal department of health and human services. A county may use funds received under this section only to provide services to persons who meet the requirements under sub. (4) and may not use unexpended funds received under this section to serve other developmentally disabled persons residing in the county.

**SECTION 1508.** 46.277 (5) (d) 2. a. of the statutes is amended to read:

46.277 (5) (d) 2. a. The department approves the provision of services in a community-based residential facility or group home that has 5 to 8 beds or in a community-based residential facility that has 5 to 20 beds.

**SECTION 1509.** 46.278 (6) (d) of the statutes is amended to read:

46.278 (6) (d) If a county makes available nonfederal funds equal to the state share of service costs under the waiver received under sub. (3), the department may, from the appropriation under s. 20.435 (4) (o), provide reimbursement for services that the county provides under this section to persons who are in addition to those who may be served under this section with funds from the appropriation under s. 20.435 (4) (b) or (w).

**SECTION 1510.** 46.2805 (6m) of the statutes is created to read:

46.2805 (6m) “Family member” has the meaning given in s. 157.061 (7).

**SECTION 1511.** 46.2805 (7) of the statutes is amended to read:

46.2805 (7) “Functional and financial screen, financial eligibility and cost-sharing screening” means the use of a uniform screening tool prescribed by the department that is used to determine functional eligibility under...
SECTION 1511. 46.286 (1) (a) and financial eligibility under s. 46.286 (1) (b) and cost-sharing under s. 46.286 (2).

SECTION 1512. 46.2805 (7g) of the statutes is created to read:

46.2805 (7g) “Functional screening” means the use of a uniform screening tool prescribed by the department to determine functional eligibility under s. 46.286 (1) (a) and (1m).

SECTION 1513. 46.281 (3) of the statutes is renumbered 46.281 (3) (intro.) and amended to read:

46.281 (3) DUTY OF THE SECRETARY. (intro.) The secretary shall certify to do all of the following:

(a) Certify to each county, hospital, nursing home, community-based residential facility, adult family home, and residential care apartment complex the date on which a resource center that serves the area of the county, hospital, nursing home, community-based residential facility, adult family home, or residential care apartment complex is first available to provide a functional screening and financial screening eligibility and cost-sharing screening. To facilitate phase-in of services of resource centers, the secretary may certify that the resource center is available for specified groups of eligible individuals or for specified facilities in the county.

SECTION 1514. 46.281 (3) (b) of the statutes is created to read:

46.281 (3) (b) Review the list of proposed initial members of a family care district board under s. 46.2895 (1) (a) 2. b. and the recommendations of the local long-term care council under s. 46.2895 (1) (a) 2. c. and approve or disapprove the proposed membership.

SECTION 1515. 46.281 (3) (c) of the statutes is created to read:
46.281 (3) (c) Review and approve or disapprove the creation by a county board of supervisors of a family care district under s. 46.2895 (1) (a).

SECTION 1516. 46.282 (2) (a) 2. of the statutes is amended to read:

46.282 (2) (a) 2. A county board of supervisors or, in a county with a county executive or a county administrator, the county executive or county administrator shall appoint members of the local long-term care council who are required to be older persons or persons with physical or developmental disabilities or their immediate family members or other representatives from nominations that are submitted to the county board of supervisors or the county executive or county administrator by older persons or persons with physical or developmental disabilities or their immediate family members or other representatives and by local organizations that represent older persons or persons with physical or developmental disabilities.

SECTION 1517. 46.282 (2) (b) 1. of the statutes is amended to read:

46.282 (2) (b) 1. A local long-term care council that serves a single-county area shall consist of 17 members, at least 9 of whom are older persons or persons with physical or developmental disabilities or their immediate family members or other representatives. The age or disability represented by these 9 members shall correspond to the proportion of numbers of persons, as determined by the department, receiving long-term care in this state who are aged 65 or older or have a physical or developmental disability. The total remaining 8 members shall consist of providers of long-term care services, persons residing in the county with recognized ability and demonstrated interest in long-term care and up to 3 members of the county board of supervisors or other elected officials.

SECTION 1518. 46.282 (2) (b) 2. (intro.) of the statutes is amended to read:
46.282 (2) (b) 2. (intro.) A local long-term care council that serves an area of 2 or more contiguous counties shall consist of 23 members, at least 12 of whom are older persons or persons with physical or developmental disabilities or their immediate family members or other representatives. The age or disability represented by these 12 members shall correspond to the proportion of numbers of persons, as determined by the department, receiving long-term care in this state who are aged 65 or older or have a physical or developmental disability. The total remaining 11 members shall consist of all of the following:

**SECTION 1519.** 46.282 (3) (a) 1. b. of the statutes is amended to read:

46.282 (3) (a) 1. b. Whether the county should create a family care district to operate a resource center or under a care management organization.

**SECTION 1520.** 46.282 (3) (a) 1m. of the statutes is created to read:

46.282 (3) (a) 1m. Review the list of proposed initial members of the family care district board under s. 46.2895 (1) (a) 2. b. and recommend to the secretary approval or disapproval of the proposed membership.

**SECTION 1521.** 46.282 (3) (a) 16. of the statutes is created to read:

46.282 (3) (a) 16. Review a tentative plan under s. 46.283 (4) (j) and provide to a resource center any nonbinding recommendations for ensuring cooperation and coordination between the resource center and hospitals serving the geographic area served by the resource center.

**SECTION 1522.** 46.283 (3m) (intro.) of the statutes is created to read:

46.283 (3m) **SPECIAL OUTREACH.** The department shall assure that all of the following are available for persons within the area of a resource center:

**SECTION 1523.** 46.283 (4) (e) of the statutes is renumbered 46.283 (3m) (a) and amended to read:
46.283 (3m) (a) Within 6 months after the family care benefit is available to all eligible persons in the area of the resource center, provide provision of information about the services of the resource center, including the services specified in sub. (3) (d), about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c) and about the family care benefit to all older persons and persons with a physical disability who are residents of nursing homes, community-based residential facilities, adult family homes and residential care apartment complexes in the area of the resource center and are members of a target population served by a care management organization that operates in the county.

Section 1524. 46.283 (4) (f) of the statutes is renumbered 46.283 (3m) (b) and amended to read:

46.283 (3m) (b) Provide a functional screening and financial eligibility and cost-sharing screening to any resident, as specified in par. (e) (a), who requests a screen, and assist assistance in enrolling in a care management organization to any such resident who is eligible and chooses to enroll in a care management organization to do so.

Section 1525. 46.283 (4) (g) of the statutes is renumbered 46.283 (3m) (c) and amended to read:

46.283 (3m) (c) Provide a functional and financial screen. The offer to provide and, if the offer is accepted, the provision of a functional screening and a financial eligibility and cost-sharing screening to any person seeking admission to a nursing home, community-based residential facility, residential care apartment complex or adult family home if the secretary has certified that the resource center is available to the person and the facility and the person is determined by the resource center to have a condition that is expected to last at least 90 days that would require care,
assistance or supervision. A resource center The department may not require a financial screen eligibility and cost-sharing screening for a person seeking admission or about to be admitted on a private pay basis who waives the requirement for a financial screen eligibility and cost-sharing screening under this paragraph, unless the person is expected to become eligible for medical assistance within 6 months. A resource center The department need not provide a functional screen screening for a person seeking admission or about to be admitted who has received a screen screening for functional eligibility under s. 46.286 (1) (a) within the previous 6 months.

SECTION 1526. 46.283 (4) (h) of the statutes is renumbered 46.283 (3m) (d) and amended to read:

46.283 (3m) (d) Provide The provision of access to services under s. 46.90 and ch. 55 to a person who is eligible for the services, through cooperation with the county agency or agencies that provide the services.

SECTION 1527. 46.283 (4) (j) of the statutes is created to read:

46.283 (4) (j) Annually develop a tentative plan for coordinating appropriate referrals of individuals who are discharged from hospitals serving the geographic area served by the resource center and who are likely to be eligible for and to benefit from the family care benefit. After considering any recommendations of the local long-term care council under s. 46.282 (3) (a) 16. and in cooperation with those hospitals, develop in final form and implement the plan.

SECTION 1528. 46.283 (5) of the statutes is amended to read:

46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b), (bm) and (pa), and (w) and (7) (b), (bd), and (md), the department may contract with
organizations that meet standards under sub. (3) for performance of the duties under sub. (4) and shall distribute funds for services provided by resource centers.

**SECTION 1529.** 46.284 (2) (b) (intro.) of the statutes is amended to read:

46.284 (2) (b) (intro.) Within each county, the department shall initially contract to operate a care management organization with the county or a family care district if the county elects to operate, or creates a family care district to operate, a care management organization and the care management organization meets the requirements of sub. (3) and performance standards prescribed by the department.

A county or family care district that contracts under this paragraph may operate the care management organization for all of the target groups or for a selected group or groups. With respect to contracts exclusively with counties or family care districts to operate a care management organization, all of the following apply:

**SECTION 1530.** 46.284 (2) (b) 1. (intro.) of the statutes is amended to read:

46.284 (2) (b) 1. (intro.) Before January 1, 2003, the department may not contract with an organization other than the county or a family care district to operate a care management organization in the county unless any of the following applies:

**SECTION 1531.** 46.284 (2) (b) 1. a. of the statutes is amended to read:

46.284 (2) (b) 1. a. The county or any family care district in the county that is contracted to operate a care management organization and the local long-term care council agree in writing that at least one additional care management organization is necessary or desirable.

**SECTION 1532.** 46.284 (5) (a) of the statutes is amended to read:

46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g) and (im), (o), and (w) and (7) (b) and (bd), the department shall provide funding on a
capitated payment basis for the provision of services under this section. Notwithstanding s. 46.036 (3) and (5m), a care management organization that is under contract with the department may expend the funds, consistent with this section, including providing payment, on a capitated basis, to providers of services under the family care benefit.

**SECTION 1533.** 46.285 (1) (intro.) of the statutes is amended to read:

> 46.285 (1) (intro.) In order to meet state and federal requirements and assure federal financial participation in funding of the family care benefit, a county, a tribe or band, a family care district or an organization, including a private, nonprofit corporation, may not directly operate both a resource center and a care management organization, except as follows:

**SECTION 1534.** 46.286 (1) (a) 2. (intro.) of the statutes is amended to read:

> 46.286 (1) (a) 2. (intro.) The person has a condition that is expected to last at least 90 days or result in death within 12 months after the date of application but that does not meet the level specified under subd. 1. a. or b.; the person first applies for eligibility for the family care benefit within 36 months after the date on which the family care benefit is initially available in the person’s county residence; and, on the date that the family care benefit became available in the person’s county of residence, the person was a resident in a nursing home or had been receiving for at least 60 days, under a written plan of care, long-term care services, as specified by the department, that were funded under any of the following:

**SECTION 1535.** 46.286 (1m) of the statutes is amended to read:

> 46.286 (1m) ELIGIBILITY EXCEPTION. A person whose primary disabling condition is developmental disability is eligible for the family care benefit if the person is a resident of a county or is a member of a tribe or band that has operated,
before July 1, 2001, a care management organization under s. 46.281 (1) (d), is at least 18 years of age and meets all other eligibility criteria under this subsection sub. (1) (a) and (b).

**SECTION 1536.** 46.286 (3) (a) (intro.) of the statutes is amended to read:

46.286 (3) (a) (intro.) Subject to pars. (c) and (d), a person is entitled to and may receive the family care benefit through enrollment in a care management organization if, except as provided in subd. 5., he or she meets the requirements of sub. (1) (intro.) is at least 18 years of age, has a physical disability, as defined in s. 15.197 (4) (a) 2., or infirmities of aging, as defined in s. 55.01 (3), is financially eligible, fulfills any applicable cost-sharing requirements and meets any of the following criteria:

**SECTION 1537.** 46.286 (3) (a) 6. of the statutes is created to read:

46.286 (3) (a) 6. Is functionally eligible at the intermediate level and meets all of the following criteria:

a. On the date on which the family care benefit is initially available in the person’s county of residence, is a resident in a nursing home or has been receiving for at least 60 days, under a written plan of care, long-term care services, as specified by the department, which are funded as specified under sub. (1) (a) 2. a., b., c., d., or e.

b. Enrolls within 36 months after the date on which the family care benefit is initially available in the person’s county of residence.

**SECTION 1538.** 46.286 (3) (d) of the statutes is amended to read:

46.286 (3) (d) The department shall determine the date, which shall not be later than July 1, 2000 January 1, 2004, on which par. (a) shall first apply to persons who are not eligible for medical assistance under ch. 49. Before the date determined by
the department, persons who are not eligible for medical assistance may receive the
family care benefit within the limits of state funds appropriated for this purpose and
available federal funds.

Section 1539. 46.286 (7) of the statutes is amended to read:

46.286 (7) Recovery of family care benefit payments; rules. The department
shall promulgate rules relating to the recovery from persons who receive the family
care benefit, including by liens and from estates, of correctly and incorrectly paid
family care benefits, that are substantially similar to applicable provisions under ss.
49.496 and 49.497. This subsection does not apply to the recovery of a family care
benefit that is provided under medical assistance and is recoverable under s. 49.496
(3).

Section 1540. 46.287 (2) (a) 1. (intro.) of the statutes is amended to read:

46.287 (2) (a) 1. (intro.) Except as provided in subd. 2., a client may contest any
of the following applicable matters by filing, within 45 days of the failure of a resource
center or care management organization to act on the contested matter within the
time frames specified by rule by the department or within 45 days after receipt of
notice of a decision in a contested matter after the effective date of the matter, a
written request for a hearing under s. 227.44 to the division of hearings and appeals
created under s. 15.103 (1):

Section 1541. 46.287 (2) (a) 1. f. of the statutes is amended to read:

46.287 (2) (a) 1. f. Development of a plan of care that is unacceptable because
the plan of care requires the enrollee to live in a place type of residence that
is unacceptable to the enrollee or the plan of care provides care, treatment or support
items that are insufficient to meet the enrollee's needs, are unnecessarily restrictive
or are unwanted by the enrollee.
SECTION 1542. 46.287 (2) (a) 1. k. of the statutes is repealed.

SECTION 1543. 46.287 (2) (c) of the statutes is amended to read:

46.287 (2) (c) Information regarding the availability of advocacy services and notice of adverse actions taken and appeal rights shall be provided to a client by the resource center or care management organization in a form and manner that is prescribed by the department by rule or by contract.

SECTION 1544. 46.2895 (1) (a) (intro.) of the statutes is amended to read:

46.2895 (1) (a) (intro.) After considering recommendations of the local long-term care council under s. 46.282 (3) (a) 1., and with approval of the secretary, a county board of supervisors may create a special purpose district that is termed a “family care district”, that is a local unit of government, that is separate and distinct from, and independent of, the state and the county, and that has the powers and duties specified in this section, if the county board does all of the following:

SECTION 1545. 46.2895 (1) (a) 2. of the statutes is renumbered 46.2895 (1) (a) 2. (intro.) and amended to read:

46.2895 (1) (a) 2. (intro.) Files copies of the enabling resolution with the secretary of administration, the secretary of health and family services, and the secretary of revenue. copies of all of the following:

SECTION 1546. 46.2895 (1) (a) 2. a. to c. of the statutes are created to read:

46.2895 (1) (a) 2. a. The enabling resolution under subd. 1.

b. A list of the names and addresses of the proposed initial members of the family care district board under sub. (3).

c. Recommendations of the local long-term care council under s. 46.282 (3) (a) 1m.

SECTION 1547. 46.2895 (1) (b) of the statutes is amended to read:
46.2895 (1) (b) The county boards of supervisors of 2 or more counties may
together, with the approval of the secretary, create a family care district with the
attributes specified in par. (a) (intro.) on a multicounty basis within the counties if
the county boards of supervisors comply with the requirements of par. (a) 1. and 2.

SECTION 1548. 46.2895 (3) (a) 1. of the statutes is amended to read:

46.2895 (3) (a) 1. The county board of supervisors of a county or, in a county
with a county administrator or county executive, the county administrator or county
executive shall, with the approval of the secretary, appoint the initial members of the
family care district board, which is the governing board of a family care district under
sub. (1) (a).

SECTION 1549. 46.2895 (3) (a) 2. of the statutes is amended to read:

46.2895 (3) (a) 2. The county boards of supervisors of 2 or more counties shall,
with the approval of the secretary, appoint the initial members of the family care
district board, which is the governing board of the family care district under sub. (1)
(b). Each county board shall appoint members in the same proportion that the
county’s population represents to the total population of all of the counties that
constitute the jurisdiction of the family care district.

SECTION 1550. 46.2895 (3) (b) 3. of the statutes is amended to read:

46.2895 (3) (b) 3. Membership of the family care district board under subd. 1.
or 2. shall reflect the ethnic and economic diversity of the area of jurisdiction of the
family care district. Up to Less than one-fourth of the members of the board may
be elected or appointed officials or employees of the county or counties that created
the family care district. No member of the board may have a private financial
interest in or profit directly or indirectly from any contract or other business of the
family care district.
SECTION 1551. 46.2895 (3) (c) of the statutes is amended to read:

46.2895 (3) (c) The initial members of the family care district board appointed under par. (a) shall serve 3-year terms. No member may serve more than 2 consecutive terms. Of the members first appointed, 5 shall be appointed for 3 years; 5 shall be appointed for 4 years; and 5 or, in the case of a board appointed under par. (b) 2., the remainder, shall be appointed for 5 years. A member shall serve until his or her successor is appointed, unless removed for cause under s. 17.13.

SECTION 1552. 46.2895 (3) (e) of the statutes is created to read:

46.2895 (3) (e) The family care district board shall appoint a successor to a member of the family care district board, including an initial member appointed under par. (a), when a member’s term expires or if a member is removed for cause under s. 17.13.

SECTION 1553. 46.29 (1) (f) of the statutes is renumbered 46.29 (2) (d) and amended to read:

46.29 (2) (d) Submit annually to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report concerning the council’s recommendations under par. sub. (1) (c).

SECTION 1554. 46.40 (2) of the statutes is amended to read:

46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not more than $284,978,800 $245,706,500 for fiscal year 1999–2000 2001–02 and $285,511,800 $245,706,500 for fiscal year 2000–01 2002–03.

SECTION 1555. 46.40 (2m) (a) of the statutes is amended to read:

46.40 (2m) (a) Prevention and treatment of substance abuse. For prevention and treatment of substance abuse under 42 USC 300x–21 to 300x–35, the
department shall distribute not more than $11,318,700 $9,735,700 in each fiscal year.

**SECTION 1556.** 46.40 (8) of the statutes is amended to read:

46.40 (8) **ALZHEIMER’S FAMILY AND CAREGIVER SUPPORT ALLOCATION.** Subject to sub. (9), for services to persons with Alzheimer’s disease and their caregivers under s. 46.87, the department shall distribute not more than $1,993,400 for fiscal year 1999–2000 and $2,226,300 for fiscal year 2000–01 $2,342,800 in each fiscal year.

**SECTION 1557.** 46.45 (2) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

46.45 (2) (a) If on December 31 of any year there remains unspent or unencumbered in the allocation under s. 46.40 (2) an amount that exceeds the amount received under 42 USC 670 to 679a and allocated under s. 46.40 (2) in that year, the department shall carry forward the excess moneys and distribute not less than 50% of the excess moneys to counties having a population of less than 500,000 that are making a good faith effort, as determined by the department, to comply with s. 46.22 (1) (c) 8. f. for services and projects to assist children and families, notwithstanding the percentage limit specified in sub. (3) (a). A county shall use not less than 50% of the moneys distributed to the county under this subsection for services for children who are at risk of abuse or neglect to prevent the need for child abuse and neglect intervention services, except that in the calendar year in which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2 calendar years after that calendar year the county may use 100% of the moneys distributed under this paragraph to reimburse the department for the costs of achieving that compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before July 1, 2005, the department may recover any amounts distributed to that county under this
paragraph after June 30, 2001, by billing the county or deducting from that county’s allocation under s. 46.40 (2). All moneys received by the department under this paragraph shall be credited to the appropriation account under s. 20.435 (3) (j).

SECTION 1558. 46.48 (10) of the statutes is repealed.

SECTION 1559. 46.48 (30) (a) of the statutes is amended to read:

46.48 (30) (a) From the appropriation under s. 20.435 (7) (bc), the department shall distribute grants on a competitive basis to county departments of social services and to private nonprofit organizations, as defined in s. 103.21 (2), for the provision of alcohol and other drug abuse treatment services in counties with a population of 500,000 or more. Grants distributed under this subsection may be used only to provide treatment for alcohol and other drug abuse to individuals who are eligible for federal temporary assistance for needy families under 42 USC 601 et. seq. and who have a family income of not more than 200% of the poverty line, as defined in s. 49.001 (5).

SECTION 1560. 46.495 (1) (d) of the statutes is amended to read:

46.495 (1) (d) From the appropriations under s. 20.435 (3) (o) and (7) (b), (kw), and (o), the department shall distribute the funding for social services, including funding for foster care or treatment foster care, or subsidized guardianship care of a child on whose behalf aid is received under s. 46.261, to county departments under ss. 46.215, 46.22, and 46.23 as provided under s. 46.40. County matching funds are required for the distributions under s. 46.40 (2), (8), and (9) (b). Each county’s required match for the distributions under s. 46.40 (2) and (8) for a year equals 9.89% of the total of the county’s distributions under s. 46.40 (2) and (8) for that year for which matching funds are required plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for juvenile delinquency–related services from its
distribution for 1987. Each county’s required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of that county’s amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching funds may be from county tax levies, federal and state revenue sharing funds, or private donations to the county that meet the requirements specified in s. 51.423 (5). Private donations may not exceed 25% of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

**SECTION 1561.** 46.51 (4) of the statutes is amended to read:

46.51 (4) A county may use the funds distributed under this section to fund additional foster parents and, treatment foster parents, and subsidized guardians to care for abused and neglected children and to fund additional staff positions to provide services related to child abuse and neglect and to unborn child abuse.

**SECTION 1562.** 46.52 of the statutes is amended to read:

46.52 **Systems change grants.** From the appropriation under s. 20.435 (7) (md), the department may not distribute more than $350,000 in each fiscal year to counties to assist in relocating individuals with mental illness from institutional or residential care to less restrictive and more cost-effective community settings and services. The department shall distribute funds to each grant recipient under this section so as to permit initial phasing in of community services recovery-oriented system changes, prevention and early intervention strategies, and consumer and family involvement for individuals with mental illness who are relocated or diverted from institutional or residential care and. The department shall eliminate the funding for a recipient at the end of a period of not more than 3 years in order to
provide funding to benefit another county recipient. The department shall require that the community services that are developed under this section are continued, following termination of a county's funding under this section, by use of funding savings made available to the county from reduced institutional and residential care utilization from incorporating recovery, prevention and early intervention strategies, and consumer and family involvement in the services.

**SECTION 1562.** 46.58 of the statutes is created to read:

46.58 Competency examinations. From the appropriation under s. 20.435 (2) (bj), the department shall distribute funds to provide competency examinations under s. 971.14 (2) in a county with a population of 500,000 or more.

**SECTION 1563.** 46.76 (intro.) of the statutes is renumbered 46.76 (1m) (intro.).

**SECTION 1564.** 46.76 (1) of the statutes is renumbered 46.76 (1m) (a).

**SECTION 1565.** 46.76 (2) of the statutes is renumbered 46.76 (1m) (b).

**SECTION 1566.** 46.76 (4) of the statutes is renumbered 46.76 (2m) (a) and amended to read:

46.76 (2m) (a) Develop The department may develop an annual plan that documents areas of hunger and populations experiencing hunger within this state and that recommends strategies and state and federal policy changes to address hunger in these areas and populations.

**SECTION 1567.** 46.76 (5) of the statutes is renumbered 46.76 (2m) (b) and amended to read:

46.76 (2m) (b) Submit, by December 31 annually, the The department may submit a plan developed under sub. (4) par. (a) to the governor, superintendent of public instruction and the appropriate standing committees of the legislature under s. 13.172 (3).
SECTION 1569. 46.93 (1m) (b) of the statutes is amended to read:

46.93 (1m) (b) “Board” means the adolescent pregnancy prevention and pregnancy services board under s. 15.195 (5).

SECTION 1570. 46.93 (2) (intro.) of the statutes is amended to read:

46.93 (2) PURPOSE; ALLOCATION. (intro.) From the appropriation appropriations under s. 20.434 (1) (b) and (ky), the board shall award not more than $439,300 in each fiscal year for grants to organizations to provide adolescent pregnancy prevention programs or pregnancy services that include health care, education, counseling, and vocational training. Types of services and programs that are eligible for grants include all of the following:

SECTION 1571. 46.93 (2m) (a) of the statutes is amended to read:

46.93 (2m) (a) Each organization that receives a grant under this section shall provide matching funds equal to 20% of the grant amount awarded. The match may be in the form of money or in-kind services or both, but any moneys used by an organization toward a match may not include moneys received from the state or federal government.

SECTION 1572. 46.93 (3) of the statutes is amended to read:

46.93 (3) STAFF AND SALARIES. The salaries of the board staff and all actual and necessary operating expenses of the board shall be paid from the appropriation appropriations under s. 20.434 (1) (a) and (kp).

SECTION 1573. 46.95 (2) (f) 9. of the statutes is amended to read:

46.95 (2) (f) 9. Award a grant of $25,000 in fiscal year 1999–2000 and a grant of $50,000 in each fiscal year thereafter to the Wisconsin Coalition Against Domestic Violence for the cost of a staff person to provide assistance in obtaining legal services to domestic abuse victims.
SECTION 1574. 46.972 (4) of the statutes is amended to read:

46.972 (4) REPORTING. On June 30 annually, the department shall submit annually a copy of the report required under 42 USC 290cc-28 concerning the expenditure of funds under sub. (3) and a report on the allocation and expenditure of funds under sub. (2) to the legislature for distribution under s. 13.172 (2).

SECTION 1575. 46.99 (2) (a) (intro.) of the statutes is amended to read:

46.99 (2) (a) (intro.) From the appropriations under s. 20.435 (3) (eg), (km) and (nL), the department, beginning on January 1, 2001, shall distribute $2,125,200 in each fiscal year to applying nonprofit corporations and public agencies operating in a county having a population of 500,000 or more and $1,229,300 $1,199,300 in each fiscal year to applying county departments under s. 46.22, 46.23, 51.42 or 51.437 operating in counties other than a county having a population of 500,000 or more to provide programs to accomplish all of the following:

SECTION 1576. 46.995 (1m) of the statutes is amended to read:

46.995 (1m) TRIBAL ADOLESCENT SERVICES ALLOCATIONS. From the appropriation account under s. 20.435 (3) (km), the department may allocate $172,500 $195,000 in each fiscal year and, from the appropriation account under s. 20.435 (3) (eg), the department may allocate $7,500 $15,000 in each fiscal year to provide the grants specified in subs. (2), (3) (b) and (4m) (b).

SECTION 1577. 46.995 (4m) (b) (intro.) of the statutes is amended to read:

46.995 (4m) (b) (intro.) From the allocations under sub. (1m), the department may provide a grant annually in the amount of $30,000 $60,000 to the elected governing body of a federally recognized American Indian tribe or band for the provision of information to members of the tribe or band in order to increase community knowledge about problems of adolescents and information to and
activities for adolescents, particularly female adolescents, in order to enable the adolescents to develop skills with respect to all of the following:

**SECTION 1578.** 48.21 (5) (b) of the statutes is renumbered 48.21 (5) (b) (intro.) and amended to read:

48.21 (5) (b) (intro.) An order relating to a child held in custody outside of his or her home shall also describe include all of the following:

1. A description of any efforts that were made to permit the child to remain safely at home and the services that are needed to ensure the child’s well-being, to enable the child to return safely to his or her home, and to involve the parents in planning for the child.

**SECTION 1579.** 48.21 (5) (b) 2. of the statutes is created to read:

48.21 (5) (b) 2. If the child is held in custody outside the home in a placement recommended by the intake worker, a statement that the court approves the placement recommended by the intake worker or, if the child is placed outside the home in a placement other than a placement recommended by the intake worker, a statement that the court has given bona fide consideration to the recommendations made by the intake worker and all parties relating to the placement of the child.

**SECTION 1580.** 48.315 (1) (h) of the statutes is created to read:

48.315 (1) (h) Any period of delay resulting from the need to appoint a qualified interpreter.

**SECTION 1581.** 48.33 (4) (intro.) of the statutes is amended to read:

48.33 (4) Other out-of-home placements. (intro.) A report recommending placement of an adult expectant mother outside of her home shall be in writing. A report recommending placement of a child in a foster home, treatment foster home,
group home, or child caring institution or in the home of the child's guardian under s. 48.977 (2) shall be in writing and shall include all of the following:

**SECTION 1582.** 48.345 (3) (c) of the statutes is amended to read:

48.345 (3) (c) A foster home or treatment foster home licensed under s. 48.62 or a group home licensed under s. 48.625, or in the home of the child's guardian under s. 48.977 (2).

**SECTION 1583.** 48.355 (2) (b) 6m. of the statutes is created to read:

48.355 (2) (b) 6m. If the child is placed outside the home in a placement recommended by the agency designated under s. 48.33 (1), a statement that the court approves the placement recommended by the agency or, if the child is placed outside the home in a placement other than a placement recommended by that agency, a statement that the court has given bona fide consideration to the recommendations made by the agency and all parties relating to the child's placement.

**SECTION 1584.** 48.357 (2v) of the statutes is created to read:

48.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in placement would place the child outside the home in a placement recommended by the person or agency primarily responsible for implementing the dispositional order, the change in placement order shall include a statement that the court approves the placement recommended by that person or agency or, if the child is placed outside the home in a placement other than a placement recommended by that person or agency, a statement that the court has given bona fide consideration to the recommendations made by that person or agency and all parties relating to the child’s placement.

**SECTION 1585.** 48.366 (8) of the statutes is amended to read:

48.366 (8) TRANSFER TO OR BETWEEN FACILITIES. The department of corrections may transfer a person subject to an order between secured correctional facilities.
After the person attains the age of 17 years, the department of corrections may place the person in a state prison named in s. 302.01. If the person is 15 years of age or over, the department of corrections may transfer the person to the Racine youthful offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). If the department of corrections places a person subject to an order under this section in a state prison, that department shall provide services for that person from the appropriate appropriation under s. 20.410 (1). The department of corrections may transfer a person placed in a state prison under this subsection to or between state prisons named in s. 302.01 without petitioning for revision of the order under sub. (5) (a).

**SECTION 1586.** 48.37 (2) of the statutes is amended to read:

48.37 (2) Notwithstanding sub. (1), no costs, penalty assessments, law enforcement training fund assessments, or jail assessments may be assessed against any child in a circuit court exercising jurisdiction under s. 48.16.

**SECTION 1587.** 48.375 (7) (d) 1m. of the statutes is amended to read:

48.375 (7) (d) 1m. Except as provided under s. 48.315 (1) (b), (c) and (f), and (h), if the court fails to comply with the time limits specified under subd. 1. without the prior consent of the minor and the minor’s counsel, if any, or the member of the clergy who filed the petition on behalf of the minor, if any, the minor and the minor’s counsel, if any, or the member of the clergy, if any, shall select a temporary reserve judge, as defined in s. 753.075 (1) (b), to make the determination under par. (c) and issue an order granting or denying the petition and the chief judge of the judicial administrative district in which the court is located shall assign the temporary reserve judge selected by the minor and the minor’s counsel, if any, or the member of the clergy, if any, to make the determination and issue the order. A temporary
reserve judge assigned under this subdivision to make a determination under par. (c) and issue an order granting or denying a petition shall make the determination and issue the order within 2 calendar days after the assignment, unless the minor and her counsel, if any, or the member of the clergy who filed the petition on behalf of the minor, if any, consent to an extension of that time period. The order shall be effective immediately. The court shall prepare and file with the clerk of court findings of fact, conclusions of law and a final order granting or denying the petition, and shall notify the minor of the court’s order, as provided under subd. 1.

**SECTION 1588.** 48.38 (2) (intro.) of the statutes is amended to read:

48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, treatment foster home, group home, child-caring institution, secure detention facility, or shelter care facility or in the home of a relative, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 shall prepare a written permanency plan, if one of the following conditions exists:

**SECTION 1589.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

48.38 (4) (f) (intro.) The services that will be provided to the child, the child’s family, and the child’s foster parent, the child’s treatment foster parent or the operator of the facility where the child is living, or the relative with whom the child is living to carry out the dispositional order, including services planned to accomplish all of the following:

**SECTION 1590.** 48.38 (5) (a) of the statutes is amended to read:

48.38 (5) (a) The court or a panel appointed under this paragraph shall review the permanency plan every 6 months from the date on which the child was first held
in physical custody or placed outside of his or her home under a court order. If the court elects not to review the permanency plan, the court shall appoint a panel to review the permanency plan. The panel shall consist of 3 persons who are either designated by an independent agency that has been approved by the chief judge of the judicial administrative district or designated by the agency that prepared the permanency plan. A voting majority of persons on each panel shall be persons who are not employed by the agency that prepared the permanency plan and who are not responsible for providing services to the child or the parents of the child whose permanency plan is the subject of the review.

**SECTION 1591.** 48.38 (5) (b) of the statutes is amended to read:

48.38 (5) (b) The court or the agency shall notify the parents of the child, the child if he or she is 12 years of age or older, and the child’s foster parent, the child’s treatment foster parent or, the operator of the facility in which the child is living, or the relative with whom the child is living of the date, time, and place of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review by submitting written comments not less than 10 working days before the review or by participating at the review. The court or agency shall notify the person representing the interests of the public, the child’s counsel, the child’s guardian ad litem, and the child’s court-appointed special advocate of the date of the review, of the issues to be determined as part of the review, and of the fact that they may submit written comments not less than 10 working days before the review. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child’s case record.

**SECTION 1592.** 48.425 (1) (g) of the statutes is amended to read:
48.425 (1) (g) If an agency designated under s. 48.427 (3m) (a) 1. to 4. determines that it is unlikely that the child will be adopted, or if adoption would not be in the best interests of the child, the report shall include a plan for placing the child in a permanent family setting. The plan shall include a recommendation as to the agency to be named guardian of the child or a recommendation that the person appointed as the guardian of the child under s. 48.977 (2) continue to be the guardian of the child or that a guardian be appointed for the child under s. 48.977 (2).

SECTION 1593. 48.427 (3m) (intro.) of the statutes is amended to read:

48.427 (3m) (intro.) If the rights of both parents or of the only living parent are terminated under sub. (3) and if a guardian has not been appointed under s. 48.977, the court shall either do one of the following:

SECTION 1594. 48.427 (3m) (c) of the statutes is created to read:

48.427 (3m) (c) Appoint a guardian under s. 48.977 and transfer guardianship and custody of the child to the guardian.

SECTION 1595. 48.427 (3p) of the statutes is amended to read:

48.427 (3p) If the rights of both parents or of the only living parent are terminated under sub. (3) and if a guardian has been appointed under s. 48.977, the court may enter one of the orders specified in sub. (3m) (a) or (b). If the court enters an order under this subsection, the court shall terminate the guardianship under s. 48.977.

SECTION 1596. 48.43 (7) of the statutes is amended to read:

48.43 (7) If the agency specified under sub. (1) (a) is the department and a permanent adoptive placement is not in progress one year after entry of the order, the department may petition the court to transfer legal custody of the child to a county department. The legal custody of the child and, if the county department
is authorized to accept guardianship under s. 48.57 (1) (e) or (hm), guardianship of
the child, and the court shall transfer the child’s legal custody and guardianship of
the child to the county department as specified in the petition. If the county
department is not authorized to accept guardianship under s. 48.57 (1) (e) or (hm),
the department shall remain the child’s guardian.

SECTION 1597. 48.432 (3) (c) of the statutes is amended to read:
48.432 (3) (c) The person making a request under this subsection shall pay a
fee for the cost of locating, verifying, purging, summarizing, copying, and mailing the
medical or genetic information according to a fee schedule established by the
department, or agency contracted with under sub. (9), based on ability to pay. The
fee may not be more than $150 and may be waived by the department or agency.

SECTION 1598. 48.433 (1) (a) of the statutes is repealed and recreated to read:
48.433 (1) (a) “Agency” means a child welfare agency licensed under s. 48.61
(8) to conduct searches for birth parents under sub. (6).

SECTION 1599. 48.433 (2) of the statutes is amended to read:
48.433 (2) Any birth parent whose rights have been terminated in this state
at any time, or who has consented to the adoption of his or her child in this state
before February 1, 1982, may file with the department, or agency contracted with
under sub. (11), an affidavit authorizing the department or agency to provide the
child with his or her original birth certificate and with any other available
information about the birth parent’s identity and location. An affidavit filed under
this subsection may be revoked at any time by notifying the department or agency
in writing.

SECTION 1600. 48.433 (3) (intro.) of the statutes is amended to read:
48.433 (3) (intro.) Any person 21 years of age or over whose birth parent’s rights have been terminated in this state or who has been adopted in this state with the consent of his or her birth parent or parents before February 1, 1982, may request the department, or agency contracted with under sub. (11), to provide the person with the following:

SECTION 1601. 48.433 (4) of the statutes is amended to read:

48.433 (4) Before acting on the request, the department, or agency contracted with under sub. (11), shall require the requester to provide adequate identification.

SECTION 1602. 48.433 (5) (intro.) of the statutes is amended to read:

48.433 (5) (intro.) The department, or agency contracted with under sub. (11), shall disclose the requested information in either of the following circumstances:

SECTION 1603. 48.433 (5) (a) of the statutes is amended to read:

48.433 (5) (a) The department, or agency contracted with under sub. (11), has on file unrevoked affidavits filed under sub. (2) from both birth parents.

SECTION 1604. 48.433 (6) (a) of the statutes is amended to read:

48.433 (6) (a) If the department, or agency contracted with under sub. (11), does not have on file an affidavit from each known birth parent, it shall, within 3 months after the date of the original request, advise the requester that he or she may request an agency to undertake a diligent search for each birth parent who has not filed an affidavit. The search shall be commenced within 3 months after the date of the request to the agency and completed within 6 months after the date of the request, unless the search falls within one of the exceptions established by the department by rule. If any information has been provided under sub. (5), the department or agency is not required to conduct a search.

SECTION 1605. 48.433 (6) (d) of the statutes is amended to read:
48.433 (6) (d) The department, or agency contracted with under sub. (11), shall charge the requester a reasonable fee for the cost of the search. When the department or agency determines that the fee will exceed $100 for either birth parent, it shall notify the requester. No fee in excess of $100 per birth parent may be charged unless the requester, after receiving notification under this paragraph, has given consent to proceed with the search.

Section 1606. 48.433 (7) (a) (intro.) of the statutes is amended to read:

48.433 (7) (a) (intro.) The department or agency conducting the search shall, upon locating a birth parent, make at least one verbal contact and notify him or her of the following:

Section 1607. 48.433 (7) (b) of the statutes is amended to read:

48.433 (7) (b) Within 3 working days after contacting a birth parent, the department, or agency contracted with under sub. (11), shall send the birth parent a written copy of the information specified under par. (a) and a blank copy of the affidavit.

Section 1608. 48.433 (7) (c) of the statutes is amended to read:

48.433 (7) (c) If the birth parent files the affidavit, the department, or agency contracted with under sub. (11), shall disclose the requested information if permitted under sub. (5).

Section 1609. 48.433 (7) (d) of the statutes is amended to read:

48.433 (7) (d) If the department or an agency has contacted a birth parent under this subsection, and the birth parent does not file the affidavit, the department may not disclose the requested information.

Section 1610. 48.433 (7) (e) of the statutes is amended to read:
48.433 (7) (e) If, after a search under this subsection, a known birth parent cannot be located, the department, or agency contracted with under sub. (11), may disclose the requested information if the other birth parent has filed an unrevoked affidavit under sub. (2).

Section 1611. 48.433 (7) (f) of the statutes is amended to read:

48.433 (7) (f) The department or agency conducting the search under this subsection may not contact a birth parent again on behalf of the same requester until at least 12 months after the date of the previous contact. Further contacts with a birth parent under this subsection on behalf of the same requester may be made only if 5 years have elapsed since the date of the last contact.

Section 1612. 48.433 (8) (a) (intro.) of the statutes is amended to read:

48.433 (8) (a) (intro.) If a birth parent is known to be deceased and has not filed an unrevoked affidavit under sub. (2), the department, or agency contracted with under sub. (11), shall so inform the requester. The department or agency may not provide the requester with his or her original birth certificate or with the identity of that parent, but shall provide the requester with any available information it has on file regarding the identity and location of the other birth parent if both of the following conditions exist:

Section 1613. 48.433 (8) (b) of the statutes is amended to read:

48.433 (8) (b) If a birth parent is known to be deceased, the department, or agency contracted with under sub. (11), in addition to the information provided under par. (a), shall provide the requester with any nonidentifying social history information about the deceased parent on file with the department or agency.

Section 1614. 48.433 (8m) of the statutes is amended to read:
48.433 (8m) If the department, or agency contracted with under sub. (11), may
not disclose the information requested under this section, it shall provide the
requester with any nonidentifying social history information about either of the
birth parents that it has on file.

**SECTION 1615.** 48.433 (9) of the statutes is amended to read:

48.433 (9) The requester may petition the circuit court to order the department
or agency designated by the department to disclose any information that may not be
disclosed under this section. The court shall grant the petition for good cause shown.

**SECTION 1616.** 48.433 (11) of the statutes is amended to read:

48.433 (11) The department shall promulgate rules to implement this section
and may contract with an agency to administer this section.

**SECTION 1617.** 48.48 (17) (a) 3. of the statutes is amended to read:

48.48 (17) (a) 3. Provide appropriate protection and services for children and
the expectant mothers of unborn children in its care, including providing services for
those children and their families and for those expectant mothers in their own
homes, placing the children in licensed foster homes, treatment foster homes, or
group homes in this state or another state within a reasonable proximity to the
agency with legal custody, placing the children in the homes of the children’s
guardians under s. 48.977 (2), or contracting for services for those children by
licensed child welfare agencies, except that the department may not purchase the
educational component of private day treatment programs unless the department,
the school board, as defined in s. 115.001 (7), and the state superintendent of public
instruction all determine that an appropriate public education program is not
available. Disputes between the department and the school district shall be resolved
by the state superintendent of public instruction.
SECTION 1618. 48.48 (17) (c) 4. of the statutes is amended to read:

48.48 (17) (c) 4. Is living in a foster home, treatment foster home, group home, or child caring institution or in the home of a subsidized guardian under s. 48.62 (5).

SECTION 1619. 48.485 of the statutes is amended to read:

48.485 Transfer of tribal children to department for adoption. If the department accepts guardianship or legal custody or both from an American Indian tribal court under s. 48.48 (3m), the department shall seek a permanent adoptive placement for the child. If a permanent adoptive placement is not in progress within 2 years one year after entry of the termination of parental rights order by the tribal court, the department may petition the tribal court to transfer legal custody or guardianship of the child back to the tribe.

SECTION 1620. 48.561 (3) (a) of the statutes is renumbered 48.561 (3) (a) (intro.) and amended to read:

48.561 (3) (a) (intro.) A county having a population of 500,000 or more shall contribute $58,893,500 in each state fiscal year for the provision of child welfare services in that county by the department. That contribution shall be made as follows:

SECTION 1621. 48.561 (3) (a) 1. of the statutes is created to read:

48.561 (3) (a) 1. Through a reduction of $37,209,200 from the amount distributed to that county under s. 46.40 (2) in each state fiscal year.

SECTION 1622. 48.561 (3) (a) 2. of the statutes is created to read:

48.561 (3) (a) 2. Through a reduction of $1,583,000 from the amount distributed to that county under s. 46.40 (2m) (a) in each state fiscal year.

SECTION 1623. 48.561 (3) (a) 3. of the statutes is created to read:
48.561 (3) (a) 3. Through a deduction of $20,101,300 from any state payment due that county under s. 79.03, 79.04, 79.058, 79.06, or 79.08 as provided in par. (b).

SECTION 1624. 48.561 (3) (b) of the statutes is amended to read:

48.561 (3) (b) The department of administration shall collect the amount specified in par. (a) 3., from a county having a population of 500,000 or more by deducting all or part of that amount from any state payment due that county under s. 46.40, 79.03, 79.04, 79.058, 79.06., or 79.08. The department of administration shall notify the department of revenue, by September 15 of each year, of the amount to be deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06., or 79.08. The department of administration shall credit all amounts collected under this paragraph to the appropriation account under s. 20.435 (3) (kw) and shall notify the county from which those amounts are collected of that collection.

SECTION 1625. 48.57 (1) (c) of the statutes is amended to read:

48.57 (1) (c) To provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing those children in licensed foster homes, treatment foster homes., or group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing those children in the homes of the children’s guardians under s. 48.977 (2), or contracting for services for those children by licensed child welfare agencies, except that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board., as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public
education program is not available. Disputes between the county department and
the school district shall be resolved by the state superintendent of public instruction.

SECTION 1626. 48.57 (3m) (cm) of the statutes is amended to read:

48.57 (3m) (cm) A kinship care relative who receives a payment under par. (am)
for providing care and maintenance for a child is not eligible to receive a payment
under sub. (3n) or s. 48.62 (4) or (5) for that child.

SECTION 1627. 48.57 (3n) (am) 1. of the statutes is amended to read:

48.57 (3n) (am) 1. The long-term kinship care relative applies to the county
department or department for payments under this subsection and provides proof
that he or she has been appointed as the guardian of the child under s. 48.977 (2) and
states that he or she was not licensed as the child’s foster parent or treatment foster
parent before the guardianship appointment.

SECTION 1628. 48.57 (3n) (cm) of the statutes is amended to read:

48.57 (3n) (cm) A long-term kinship care relative who receives a payment
under par. (am) for providing care and maintenance for a child is not eligible to
receive a payment under sub. (3m) or s. 48.62 (4) or (5) for that child.

SECTION 1629. 48.57 (3p) (fm) 2. of the statutes is amended to read:

48.57 (3p) (fm) 2. A person receiving payments under sub. (3m) may
provisionally employ a person in a position in which that person would have regular
contact with the child for whom those payments are being made or provisionally
permit a person to be an adult resident if the person receiving those payments states
to the county department or, in a county having a population of 500,000 or more, the
department of health and family services that the employee or adult resident does
not have any arrests or convictions that could adversely affect the child or the ability
of the person receiving payments to care for the child. A person receiving payments
under sub. (3m) may not finally employ a person in a position in which that person
would have regular contact with the child for whom those payments are being made
or finally permit a person to be an adult resident until the county department or, in
a county having a population of 500,000 or more, the department of health and family
services receives information from the department of justice indicating that the
person’s conviction record under the law of this state is satisfactory according to the
criteria specified in par. (g) 1. to 3. and the county department so advises or, in a
county having a population of 500,000 or more, the department of health and family
services and so advises the person receiving payments under sub. (3m) or the
department of health and family services so advises that person until a decision is
made under par. (h) 4. to permit a person who is receiving payments under sub. (3m)
to employ a person in a position in which that person would have regular contact with
the child for whom payments are being made or to permit a person to be an adult
resident and the county department or, in a county having a population of 500,000
or more, the department of health and family services so advises the person receiving
payments under sub. (3m). A person receiving payments under sub. (3m) may finally
employ a person in a position in which that person would have regular contact with
the child for whom those payments are being made or finally permit a person to be
an adult resident conditioned on the receipt of information from the county
department or, in a county having a population of 500,000 or more, the department
of health and family services that the federal bureau of investigation indicates that
the person’s conviction record under the law of any other state or under federal law
is satisfactory according to the criteria specified in par. (g) 1. to 3.

SECTION 1630. 48.61 (3) of the statutes is amended to read:
48.61 (3) To provide appropriate care and training for children in its legal or physical custody and, if licensed to do so, to place children in licensed foster homes, licensed treatment foster homes, and licensed group homes and in the homes of the children's guardians under s. 48.977 (2).

SECTION 1631. 48.61 (8) of the statutes is created to read:

48.61 (8) If licensed to do so, to conduct searches for birth parents under s. 48.433 (6).

SECTION 1632. 48.615 (1) (b) of the statutes is amended to read:

48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to a child welfare agency that places children in licensed foster homes, licensed treatment foster homes, and licensed group homes and in the homes of the children's guardians under s. 48.977 (2), the child welfare agency must pay to the department a biennial fee of $254.10 (2) who was licensed as the child's foster parent or treatment foster parent before the guardianship appointment, and who is a resident of a county having a population of 500,000 or more.

SECTION 1633. 48.62 (2) of the statutes is amended to read:

48.62 (2) A relative, as defined in s. 48.02 (15) or as specified in s. 49.19 (1) (a), or a guardian of a child, who provides care and maintenance for a child, is not required to obtain the license specified in this section. The department, a county department, or a licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home or a treatment foster home to a relative who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home or treatment foster home for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. The department, a county department, or a licensed child welfare agency may, at
the request of a guardian appointed under s. 48.977 or 48.978 or ch. 880, license the
 guardian’s home as a foster home or treatment foster home for the guardian’s minor
 ward who is living in the home and who is placed in the home by court order.
 Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978
 or ch. 880 who are licensed to operate foster homes or treatment foster homes are
 subject to the department’s licensing rules.

 **SECTION 1634.** 48.62 (5) of the statutes is created to read:

 48.62 (5) (a) Subject to par. (b), monthly subsidized guardianship payments
 shall be provided to a guardian of a child under s. 48.977 (2) who was licensed as the
 child’s foster parent or treatment foster parent before the guardianship
 appointment, and who is a resident of a county having a population of 500,000 or
 more according to a rate established by the department based on the average amount
 of general purpose revenues expended for foster care per child in foster care in a
 county having a population of 500,000 or more in fiscal year 2000–01 if the child
 meets any of the following conditions:

 1. The child is 12 years of age or over and has been placed outside of his or her
 home, as described in s. 48.365 (1), for 15 of the most recent 22 months, the parental
 rights of both of the child’s parents or of the child’s only living parent have been
 terminated, or the court has found under s. 48.977 (2) (f) that the agency primarily
 responsible for providing services to the child under a court order has made
 reasonable efforts to make it possible for the child to return to his or her home, while
 assuring that the child’s health and safety are the paramount concerns, but that
 reunification of the child with the child’s parent or parents is unlikely or contrary to
 the best interests of the child and that further reunification efforts are unlikely to
be made or are contrary to the best interests of the child, or that any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., or 4. apply.

2. The child does not meet the conditions specified in subd. 1., but the department has determined, and the court has confirmed under s. 48.977 (3r), that providing monthly subsidized guardianship payments to the guardian is in the best interests of the child.

(b) The department shall request from the secretary of the federal department of health and human services a waiver of the requirements under 42 USC 670 to 679a that would authorize the state to receive federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the costs of providing care for a child who is in the care of a guardian who was licensed as the child’s foster parent or treatment foster parent before the guardianship appointment. If the waiver is approved, the rate established under par. (a) shall not apply, and monthly subsidized guardianship payments under par. (a) shall be provided to the guardian according to the terms of the waiver.

SECTION 1635. 48.627 (3) (h) of the statutes is amended to read:

48.627 (3) (h) If a claim by a foster, treatment foster or family-operated group home parent or a member of the foster, treatment foster or family-operated group home parent’s family is approved, the department shall deduct from the amount approved $200 $100 less any amount deducted by an insurance company from a payment for the same claim, except that a foster, treatment foster or family-operated group home parent and his or her family are subject to only one deductible for all claims filed in a fiscal year.

SECTION 1636. 48.651 (1) (intro.) of the statutes is amended to read:
48.651 (1) (intro.) Each county department shall certify, according to the standards adopted by the department of workforce development under s. 49.155 (1d), each day care provider reimbursed for child care services provided to families determined eligible under s. 49.155 (4m), unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification. To be certified under this section, a person must meet the minimum requirements for certification established by the department of workforce development under s. 49.155 (1d), meet the requirements specified in s. 48.685 and pay the fee specified in this section. The county shall certify the following categories of day care providers:

SECTION 1637. 48.977 (title) of the statutes is amended to read:

48.977 (title) Appointment of relatives as guardians for certain children in need of protection or services.

SECTION 1638. 48.977 (1) of the statutes is repealed.

SECTION 1639. 48.977 (2) (intro.) of the statutes is amended to read:

48.977 (2) Type of guardianship. (intro.) This section may be used for the appointment of a relative of a child as a guardian of the person for the child if the court finds all of the following:

SECTION 1640. 48.977 (2) (a) of the statutes is amended to read:

48.977 (2) (a) That the child has been adjudged to be in need of protection or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11), or (11m) or 938.13 (4) and been placed, or continued in a placement, outside of his or her home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 for a cumulative total period of one year or longer or that the child has been so adjudged and placement of the child in the home...
of a guardian under this section has been recommended under s. 48.33 (1) or 938.33
(1) or requested under s. 48.357 (1) or (2m) or 938.357 (1) or (2m).

SECTION 1641. 48.977 (2) (b) of the statutes is amended to read:

48.977 (2) (b) That the person nominated as the guardian of the child is a relative of the child person with whom the child has been placed or in whose home placement of the child is recommended or requested under par. (a) and that it is likely that the child will continue to be placed with that relative person for an extended period of time or until the child attains the age of 18 years.

SECTION 1642. 48.977 (2) (c) of the statutes is amended to read:

48.977 (2) (c) That, if appointed, it is likely that the relative person would be willing and able to serve as the child's guardian for an extended period of time or until the child attains the age of 18 years.

SECTION 1643. 48.977 (2) (f) of the statutes is amended to read:

48.977 (2) (f) That the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to make it possible for the child to return to his or her home, while assuring that the child's health and safety are the paramount concerns, but that reunification of the child with the child's parent or parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child or that the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to prevent the removal of the child from his or her home, while assuring that the child's health and safety are the paramount concerns, but that continued placement of the child in the home would be contrary to the health, safety, and welfare of the child, except that the court need not find that the agency has made those reasonable efforts with respect to a
parent of the child if any of the circumstances specified in s. 48.355 (2d) (b) 1., 2., 3., or 4. apply to that parent.

Section 1644. 48.977 (3r) of the statutes is created to read:

48.977 (3r) Subsidized Guardianship. If the department has determined that providing monthly subsidized guardianship payments to the guardian of a child who does not meet the conditions specified under s. 48.62 (5) (a) 1. is in the best interests of the child, the petitioner under sub. (4) (a) shall include in the petition under sub. (4) (b) a statement of that determination and a request for the court to include in the court’s findings under sub. (4) (d) a finding confirming that determination. If the court confirms that determination and appoints a guardian for the child under sub. (2) and if the guardian was licensed as the child’s foster parent or treatment foster parent before the guardianship appointment and is a resident of a county having a population of 500,000 or more, the department shall provide monthly subsidized guardianship payments to the guardian under s. 48.62 (5).

Section 1645. 48.977 (4) (a) 4. of the statutes is amended to read:

48.977 (4) (a) 4. The relative person with whom the child is placed or in whose home placement of the child is recommended or requested as described in sub. (2) (a), if the relative person is nominated as the guardian of the child in the petition.

Section 1646. 48.977 (4) (a) 6. of the statutes is amended to read:

48.977 (4) (a) 6. A county department under s. 46.22 or 46.23 or, if the child has been placed pursuant to an order under ch. 938 or the child’s placement with the guardian is recommended or requested under ch. 938, a county department under s. 46.215, 46.22, or 46.23.

Section 1647. 48.977 (4) (b) 3. of the statutes is amended to read:
48.977 (4) (b) 3. The date the child was adjudged in need of protection or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11) or (11m) or 938.13 (4) and the dates that the child has been placed, or continued in a placement, outside of his or her home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363 or 938.365 or, if the child has been so adjudged, but not so placed, the date of the report under s. 48.33 (1) or 938.33 (1) or the request for a change in placement under s. 48.357 (1) or (2m) or 938.357 (1) or (2m) in which placement of the child in the home of the person is recommended or requested.

**SECTION 1648.** 48.977 (4) (c) 1. g. of the statutes is amended to read:

48.977 (4) (c) 1. g. The relative person with whom the child is placed or in whose home placement of the child is recommended or requested as described in sub. (2) (a), if the relative is nominated as the guardian of the child in the petition.

**SECTION 1649.** 48.977 (4) (e) of the statutes is amended to read:

48.977 (4) (e) Court report. The For a child who has been placed, or continued in a placement, outside of his or her home for 6 months or longer, the court shall order the person or agency primarily responsible for providing services to the child under a court order to file with the court a report containing the written summary under s. 48.38 (5) (e) and as much information relating to the appointment of a guardian as is reasonably ascertainable. For a child who has been placed, or continued in a placement, outside of his or her home for less than 6 months, the court shall order the person or agency primarily responsible for providing services to the child under a court order to file with the court the report submitted under s. 48.33 (1) or 938.33 (1), the permanency plan prepared under s. 48.38 or 938.38, if one has been prepared, and as much information relating to the appointment of a guardian as is reasonably
ascertainable. The agency shall file the report at least 48 hours before the date of
the dispositional hearing under par. (fm).

**SECTION 1650.** 48.977 (4) (g) 1. of the statutes is amended to read:

48.977 (4) (g) 1. Whether the relative person would be a suitable guardian of
the child.

**SECTION 1651.** 48.977 (4) (g) 2. of the statutes is amended to read:

48.977 (4) (g) 2. The willingness and ability of the relative person to serve as
the child's guardian for an extended period of time or until the child attains the age
of 18 years.

**SECTION 1652.** 48.982 (2) (d) of the statutes is amended to read:

48.982 (2) (d) Solicit and accept contributions, grants, gifts, and bequests for
the children’s trust fund or for any other purpose for which a contribution, grant, gift,
or bequest is made and received. Moneys and receive moneys under s. 341.14 (6r)
(b) 6. Contributions, grants, gifts, and bequests received under this paragraph, other
than 50% of the moneys received under s. 341.14 (6r) (b) 6., may be credited to the
appropriation accounts under s. 20.433 (1) (i), (q) or (r). Interest and all interest
earned on the moneys received under s. 341.14 (6r) (b) 6. may be credited to the
appropriation accounts account under s. 20.433 (1) (q) or (r).

**SECTION 1653.** 48.982 (2m) (intro.) of the statutes is amended to read:

48.982 (2m) Donation uses. (intro.) If money is accepted by the board for the
children’s trust fund or for any other purpose under sub. (2) (d) and appropriated
under s. 20.433 (1) (q) or (r), the board shall use the money in accordance with the
wishes of the donor to do any of the following:

**SECTION 1654.** 48.982 (3) of the statutes is amended to read:
48.982 (3) STAFF AND SALARIES. The board shall determine the qualifications of
and appoint, in the classified service, an executive director and staff. The salaries
of the executive director and staff and all actual and necessary operating expenses
of the board shall be paid from the appropriations under s. 20.433 (1) (g), (i), (k), (m),
and (p) (q).

SECTION 1655. 48.982 (5) of the statutes is amended to read:

48.982 (5) STATEWIDE PROJECTS. From the appropriations under s. 20.433 (1) (i)
and (p) (q), the board shall administer any statewide project for which it has accepted
money under sub. (2m) (c).

SECTION 1656. 48.982 (6) (a) of the statutes is amended to read:

48.982 (6) (a) From the appropriations under s. 20.433 (1) (b), (h), (i), (k), (ma),
and (q), the board shall award grants to organizations in accordance with the
request–for–proposal procedures developed under sub. (2) (a). No organization may
receive a grant or grants under this subsection totaling more than $150,000 in any
year.

SECTION 1657. 49.137 (4m) of the statutes is created to read:

49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. The department shall award
grants to local governments and tribal governing bodies for programs to improve the
quality of child care. The department shall promulgate rules to administer the grant
program, including rules that specify the eligibility criteria and procedures for
awarding the grants.

SECTION 1658. 49.143 (2) (a) (intro.) of the statutes is amended to read:

49.143 (2) (a) (intro.) Establish a community steering committee within 60
days after the date on which the contract is awarded. The Wisconsin works agency
shall recommend the members of the committee to the chief executive officer of each
county served by the Wisconsin works agency. The chief executive officer of each county shall appoint the members of the committee. The number of members that each chief executive officer appoints to the committee shall be in proportion to the population of that officer’s county relative to the population of each other county served by the Wisconsin works agency, except that the chief executive officer of a county that is not a Wisconsin works agency shall appoint the director of the county department under s. 46.215, 46.22, or 46.23, or his or her designee, and one other representative of the county department under s. 46.215, 46.22, or 46.23. The committee shall consist of at least 12 members, but not more than 15 members. The members of the committee shall appoint a chairperson who shall be a person who represents business interests. The committee shall do all of the following:

**SECTION 1659.** 49.143 (2) (a) 7. of the statutes is amended to read:

49.143 (2) (a) 7. Coordinate with the council on workforce investment established under 29 USC 2821 and a local workforce development board established under 29 USC 2832 to ensure compatibility of purpose and no duplication of effort.

**SECTION 1660.** 49.143 (2) (a) 11. of the statutes is created to read:

49.143 (2) (a) 11. Serve individuals who are receiving temporary assistance for needy families under 42 USC 601 to 619.

**SECTION 1661.** 49.155 (1g) (b) of the statutes is amended to read:

49.155 (1g) (b) From the appropriation under s. 20.445 (3) (mc), distribute $8,012,500 $29,199,300 in fiscal year 1999–2000 2001–02 and $7,412,500 $29,185,400 in fiscal year 2000–01 2002–03 for the purposes of providing technical assistance for child care providers and of administering the child care program under this section and for grants under s. 49.136 (2) for the start–up and expansion of child day care services, and for child day care start–up and expansion planning, for grants
under s. 49.134 (2) for child day care resource and referral services, for grants under
s. 49.137 (3) to assist child care providers in meeting the quality of care standards
established under sub. (1d), and for a system of rates or a program of grants, as
provided under sub. (1d), to reimburse child care providers that meet those quality
of care standards and for grants under s. 49.137 (2) and (4m) and contracts under s.
49.137 (4) to improve the quality of child day care services in this state.

SECTION 1662. 49.155 (1g) (c) of the statutes is amended to read:

49.155 (1g) (c) From the appropriation under s. 20.445 (3) (mc), transfer
$3,596,900 $4,549,500 in fiscal year 1999–2000 2001–02 and $3,745,200 $4,733,700
in fiscal year 2000–01 2002–03 to the appropriation under s. 20.435 (3) (kx), and
transfer $20,700 in fiscal year 1999–2000 and $27,700 in fiscal year 2000–01 to the
appropriation under s. 20.435 (8) (kx), for the purpose of day care center licensing
under s. 48.65.

SECTION 1663. 49.155 (1m) (intro.) of the statutes is amended to read:

49.155 (1m) ELIGIBILITY. (intro.) A Wisconsin works agency shall determine
eligibility for a child care subsidy under this section. Under this section Except as
provided in sub. (2m), an individual may receive a subsidy for child care for a child
who has not attained the age of 13 or, if the child is disabled, who has not attained
the age of 19, if the individual meets all of the following conditions:

SECTION 1664. 49.155 (1m) (bm) of the statutes is amended to read:

49.155 (1m) (bm) If the individual is providing care for a child under a court
order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
48.62 (5), or if the individual is a foster parent or treatment foster parent, and child
care is needed for that child, the individual meets the requirement under s. 49.145
(2) (c).
SECTION 1665. 49.155 (1m) (c) (intro.) of the statutes is repealed.

SECTION 1666. 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

49.155 (1m) (c) 1. (intro.) The Except as provided in subds. 1g., 1h., 1m., 2., and 3., the gross income of the individual's family is at or below 185% of the poverty line for a family the size of the individual's family or, for an individual who is already receiving a child care subsidy under this section, the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. In calculating the gross income of the family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in calculating farm and self-employment income, the Wisconsin works agency shall include the sum of the following:

SECTION 1667. 49.155 (1m) (c) 1g. of the statutes is amended to read:

49.155 (1m) (c) 1g. The If the individual is a foster parent of the child and, the child's biological or adoptive family has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

SECTION 1668. 49.155 (1m) (c) 1h. of the statutes is amended to read:

49.155 (1m) (c) 1h. The If the individual is a relative of the child, is providing care for the child under a court order, and is receiving payments under s. 48.57 (3m) or (3n) on behalf of the child and, the child's biological or adoptive family has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the Wisconsin works agency shall include income described under s. 49.145 (3) (b) 1. and 3.

SECTION 1669. 49.155 (1m) (c) 1m. of the statutes is amended to read:
49.155 (1m) (c) 1m. The individual was eligible under s. 49.132 (4) (a),
1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
stats., on September 30, 1997, but lost aid solely because of the application of s.
49.132 (6), 1995 stats., and the gross income of the individual’s family is at or below
200% of the poverty line for a family the size of the individual’s family. This
subdivision does not apply to an individual whose family’s gross income at any time
on or after September 30, 1997, is more than 200% of the poverty line for a family the
size of the individual’s family.

SECTION 1670. 49.155 (1m) (c) 2. of the statutes is amended to read:

49.155 (1m) (c) 2. The individual was eligible under s. 49.132 (4) (am),
1995 stats., for aid under s. 49.132, 1995 stats., and received aid under s. 49.132, 1995
stats., on or after May 10, 1996, but lost eligibility solely because of increased
income, and the gross income of the individual’s family is at or below 200% of the
poverty line for a family the size of the individual’s family. This subdivision does not
apply to an individual whose family’s gross income increased to more than 200% of
the poverty line for a family the size of the individual’s family.

SECTION 1671. 49.155 (1m) (c) 3. of the statutes is amended to read:

49.155 (1m) (c) 3. The individual was eligible for a child care subsidy
under s. 49.191 (2), 1997 stats., on or after May 10, 1996, and received a child care
subsidy on or after May 10, 1996, but lost the subsidy solely because of increased
income, and the gross income of the individual’s family is at or below 200% of the
poverty line for a family the size of the individual’s family. This subdivision does not
apply to an individual whose family’s gross income increased to more than 200% of
the poverty line for a family the size of the individual’s family.

SECTION 1672. 49.155 (2m) of the statutes is created to read:
49.155 (2m) PLAN TO LIMIT PARTICIPATION. If the department determines that moneys allocated under s. 49.175 (1) (p) are insufficient to provide a child care subsidy to individuals who meet the requirements under sub. (1m), the department may develop a plan to limit participation in the child care subsidy program. The plan may specify requirements that an individual must meet to be eligible for a subsidy that are different from those specified under sub. (1m). The department shall submit the plan to the secretary of administration for approval. If the secretary of administration approves the plan, the department may limit participation as specified in the plan.

SECTION 1673. 49.155 (3) (a) of the statutes is amended to read:

49.155 (3) (a) A Wisconsin works agency shall refer an individual who has been determined eligible under sub. (1m) or under a plan approved by the secretary of administration under sub. (2m) to a county department under s. 46.215, 46.22 or 46.23 for child care assistance.

SECTION 1674. 49.155 (3m) (title) of the statutes is amended to read:

49.155 (3m) (title) DISTRIBUTION OF CHILD CARE FUNDS TO COUNTIES, WISCONSIN WORKS AGENCIES, AND CERTAIN CHILD CARE PROVIDERS.

SECTION 1675. 49.155 (3m) (a) of the statutes is amended to read:

49.155 (3m) (a) The department shall reimburse child care providers or shall distribute funds to county departments under s. 46.215, 46.22 or 46.23 for child care services provided under this section and to private nonprofit agencies that provide child care for children of migrant workers. The department may reimburse a Wisconsin works agency for child care that the Wisconsin works agency provides to the children of Wisconsin works participants and applicants.

SECTION 1676. 49.155 (3m) (d) of the statutes is amended to read:
49.155 (3m) (d) No funds distributed under par. (a) may be used to provide for
child care services that are provided for a child by a person child care provider who
is the parent of the child or who resides with the child, unless the county determines
that the care is necessary because of a special health condition of the child.

**SECTION 1677.** 49.1635 of the statutes is repealed.

**SECTION 1678.** 49.175 (1) (intro.) of the statutes is amended to read:

49.175 (1) **Allocation of funds.** (intro.) **Within Except as provided in sub. (2),**
within the limits of the appropriations under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e),
(em), (jL), (k), (L), (Lm), (mc), (md), (nL), (pm), and (ps), the department shall allocate
the following amounts for the following purposes:

**SECTION 1679.** 49.175 (1) (a) of the statutes is amended to read:

49.175 (1) (a) **Wisconsin works benefits.** For Wisconsin works benefits provided
under contracts having a term that begins on January 1, **2000** 2002, and ends on
2001–02 and $49,309,600 **52,082,600** in fiscal year **2000–01** 2002–03.

**SECTION 1680.** 49.175 (1) (b) of the statutes is amended to read:

49.175 (1) (b) **Wisconsin works administration and ancillary services.** For
administration of Wisconsin works and program services under Wisconsin works
performed under contracts under s. 49.143 having a term that begins on January 1,
**2000** 2002, and ends on December 31, 2001, **$64,216,800** 2003, **$62,830,400** in fiscal
year **1999–2000** 2001–02 and **$128,433,800** **$125,660,800** in fiscal year **2000–01**
2002–03.

**SECTION 1681.** 49.175 (1) (c) of the statutes is repealed.

**SECTION 1682.** 49.175 (1) (d) of the statutes is amended to read:
49.175 (1) (d) Community reinvestment. For reinvestment of funds into communities under s. 49.179, $2,779,800 $5,559,800 in fiscal year 1999–2000 2001–02 and $5,559,800 in fiscal year 2000–01 2002–03.

SECTION 1683. 49.175 (1) (e) of the statutes is amended to read:

49.175 (1) (e) Initial contracts. For contracts under s. 49.143 having a term that ends on December 31, 1999, $245,171,800 2001, $157,658,100 in fiscal year 1999–2000 2001–02.

SECTION 1684. 49.175 (1) (f) of the statutes is repealed.

SECTION 1685. 49.175 (1) (g) of the statutes is amended to read:

49.175 (1) (g) State administration of public assistance programs. For state administration of public assistance programs, $31,831,000 $24,736,200 in fiscal year 1999–2000 2001–02 and $31,783,200 $24,742,500 in fiscal year 2000–01 2002–03.

SECTION 1686. 49.175 (1) (h) of the statutes is amended to read:

49.175 (1) (h) Food stamps for legal immigrants. For food stamp benefits to qualified aliens under s. 49.124 (8), $420,000 $550,000 in each fiscal year.

SECTION 1687. 49.175 (1) (j) of the statutes is amended to read:


SECTION 1688. 49.175 (1) (m) of the statutes is amended to read:

49.175 (1) (m) Children first. For services under the work experience program for noncustodial parents under s. 49.36, $1,140,000 $2,800,000 in each fiscal year.

SECTION 1689. 49.175 (1) (n) of the statutes is amended to read:

49.175 (1) (n) Job access loans. For job access loans under s. 49.147 (6), $600,000 $1,000,000 in each fiscal year.
SECTION 1690. 49.175 (1) (p) of the statutes is amended to read:

49.175 (1) (p) Direct child care services. For direct child care services under s. 49.155, $159,560,000 $242,475,000 in fiscal year 1999–2000 2001–02 and $181,050,000 $242,475,000 in fiscal year 2000–01 2002–03.

SECTION 1691. 49.175 (1) (q) of the statutes is amended to read:

49.175 (1) (q) Indirect child care services. For indirect child care services under s. 49.155 (1g), $11,812,300 $16,253,800 in fiscal year 1999–2000 2001–02 and $11,367,600 $16,439,000 in fiscal year 2000–01 2002–03.

SECTION 1692. 49.175 (1) (qm) of the statutes is created to read:

49.175 (1) (qm) Local pass-through grant program. For the local pass-through grant program under s. 49.137 (4m), $17,495,000 in fiscal year 2001–02 and $17,481,100 in fiscal year 2002–03.

SECTION 1693. 49.175 (1) (s) of the statutes is repealed.

SECTION 1694. 49.175 (1) (t) of the statutes is amended to read:

49.175 (1) (t) Wisconsin works contracts in certain counties. For contracts with persons for oversight of the administrative structure of Wisconsin works, and of Wisconsin works agencies, in counties having a population of 500,000 or more, $1,500,000 in fiscal year 1999–2000 and $1,000,000 $500,000 in each fiscal year 2000–01.

SECTION 1695. 49.175 (1) (u) of the statutes is amended to read:

49.175 (1) (u) Workforce attachment. For services specified under s. 49.173, $9,700,000 in fiscal year 1999–2000 and $10,000,000 in each fiscal year 2000–01. The department may not distribute moneys allocated under this paragraph unless the joint committee on finance approves the distribution.

SECTION 1696. 49.175 (1) (v) of the statutes is amended to read:
49.175 (1) (v) **Transportation assistance.** For transportation assistance under s. 49.157, $200,000 in fiscal year 1999–2000 and $2,000,000 in each fiscal year 2000–01.

**SECTION 1697.** 49.175 (1) (w) of the statutes is repealed.

**SECTION 1698.** 49.175 (1) (x) of the statutes is repealed.

**SECTION 1699.** 49.175 (1) (y) of the statutes is amended to read:

49.175 (1) (y) **Literacy initiative.** For literacy grants under s. 49.169 and literacy services administered by the governor’s office, $1,454,100 in each $1,425,800 in fiscal year 2001–02 and $800,000 in fiscal year 2002–03.

**SECTION 1700.** 49.175 (1) (z) of the statutes is amended to read:

49.175 (1) (z) **Community youth grant.** For a competitive grant program administered by the department to fund programs that improve social, academic, and employment skills of youth who are eligible to receive temporary assistance for needy families under 42 USC 601 et seq., $7,500,000 in each $7,079,700 in fiscal year 2001–02.

**SECTION 1701.** 49.175 (1) (zb) of the statutes is amended to read:

49.175 (1) (zb) **Work-based learning programs for youth.** For work-based learning programs for youth funded from the appropriation under s. 20.445 (7) (kc), $2,969,700 $6,399,000 in fiscal year 1999–2000 2001–02 and $6,084,500 in $2,000,000 in fiscal year 2000–01 2002–03.

**SECTION 1702.** 49.175 (1) (zc) of the statutes is amended to read:

49.175 (1) (zc) **Fatherhood initiative.** For a grant program to promote fathers’ involvement in their children’s lives, $75,000 in fiscal year 1999–2000 $200,000 in each fiscal year.

**SECTION 1703.** 49.175 (1) (zd) of the statutes is amended to read:
49.175 (1) (zd) Alcohol and other drug abuse. For grants made under s. 49.167 to organizations that provide community-based alcohol and other drug abuse treatment to individuals who are eligible for temporary assistance for needy families under 42 USC 601 et. seq., $1,000,000 in each $500,000 in fiscal year 2001-02.

SECTION 1704. 49.175 (1) (ze) 1. of the statutes is amended to read:

49.175 (1) (ze) 1. ‘Kinship care and long-term kinship care assistance.’ For the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and (3p), $24,530,100 in $24,565,300 in each fiscal year 1999–2000 and $26,164,100 in fiscal year 2000–01.

SECTION 1705. 49.175 (1) (ze) 2. of the statutes is amended to read:


SECTION 1706. 49.175 (1) (ze) 3. of the statutes is amended to read:

49.175 (1) (ze) 3. ‘Community aids.’ For community aids, $31,800,000 $18,086,200 in fiscal year 1999–2000 $18,288,800 in fiscal year 2001–02 and $18,086,200 $13,494,000 in fiscal year 2000–01 $18,086,200 $13,494,000 in fiscal year 2001–02.

SECTION 1707. 49.175 (1) (ze) 7. of the statutes is amended to read:

49.175 (1) (ze) 7. ‘Adolescent services and pregnancy prevention programs.’ For adolescent services and pregnancy prevention programs under ss. 46.93, 46.99, and 46.995, $1,808,300 $1,821,300 in each fiscal year.

SECTION 1708. 49.175 (1) (ze) 8. of the statutes is amended to read:
49.175 (1) (ze) 8. ‘Domestic abuse services grants.’ For the domestic abuse services grants under s. 46.95 (2), $975,000 in fiscal year 1999–2000 and $1,000,000 in each fiscal year thereafter.

Section 1709. 49.175 (1) (ze) 10. of the statutes is repealed.

Section 1710. 49.175 (1) (zf) of the statutes is amended to read:

49.175 (1) (zf) Badger Challenge. For the Badger Challenge program under s. 21.25, $33,300 in fiscal year 1999–2000 and $83,200 in each fiscal year 2000–01.

Section 1711. 49.175 (1) (zh) of the statutes is amended to read:

49.175 (1) (zh) Earned income tax credit. For the transfer of moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, $51,000,000 in fiscal year 1999–2000, $51,244,500 in fiscal year 2001–02 and $54,000,000 in fiscal year 2002–03.

Section 1712. 49.175 (1) (zk) of the statutes is repealed.

Section 1713. 49.175 (1) (zL) of the statutes is repealed.

Section 1714. 49.175 (1) (zm) of the statutes is repealed.

Section 1715. 49.175 (2) (title) of the statutes is amended to read:

49.175 (2) (title) Redistribution reallocation of funds.

Section 1716. 49.175 (2) of the statutes is renumbered 49.175 (2) (a) and amended to read:

49.175 (2) (a) The department may redistribute reallocate the funds allocated under sub. (1) for a purpose specified under any paragraph under sub. (1) to be used for any other purpose specified in any other paragraph under sub. (1) if the secretary of administration approves the redistribution reallocation.
SECTION 1717. 49.175 (2) (b) of the statutes is created to read:

49.175 (2) (b) If the amounts of federal block grant moneys that are required
to be credited to the appropriation accounts under s. 20.445 (3) (mc) and (md) are less
than the amounts appropriated under s. 20.445 (3) (mc) and (md), the department
shall submit a plan to the secretary of administration for reducing the amounts of
moneys allocated under sub. (1). If the secretary of administration approves the
plan, the amounts of moneys required to be allocated under sub. (1) may be reduced
as proposed by the department and the department shall allocate the moneys as
specified in the plan.

SECTION 1718. 49.175 (3) of the statutes is created to read:

49.175 (3) REPORT ON EXPENDITURES. In each fiscal year, the department shall
submit a report to the secretary of administration on the expenditures made from the
appropriation accounts under s. 20.445 (3) (a), (br), (cm), (dc), (dz), (e), (em), (jL), (k),
(L), (Lm), (mc), (md), (nL), (pm), and (ps) in the previous fiscal year for the purposes
specified in sub. (1).

SECTION 1719. 49.185 (2) of the statutes is renumbered 49.185 (2) (a) and
amended to read:

49.185 (2) (a) Subject to par. (b), a person contracting with the department
under sub. (4) may make an employment skills advancement grant of up to $500
$1,000 to an individual eligible under sub. (3) for tuition, books, transportation or
other direct costs of training or education in a vocational training or education
program.

SECTION 1720. 49.185 (3) (g) of the statutes is amended to read:

49.185 (3) (g) The income of the individual’s family does not exceed 165% 185%
of the poverty line.
SECTION 1721. 49.185 (3) (i) of the statutes is amended to read:

49.185 (3) (i) The individual contributes, or obtains from other sources, an amount at least equal to 50% of the amount of the grant, for tuition, books, transportation or other direct costs of the training or education.

SECTION 1722. 49.185 (3) (j) of the statutes is renumbered 49.185 (2) (b) and amended to read:

49.185 (2) (b) The total amount of the grant plus the amount of any grant that that individual has previously received all grants awarded to an individual under this section does may not exceed $500 $1,000.

SECTION 1723. 49.197 (1m) of the statutes is amended to read:

49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3) (dz), (L), (md), (n), and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of medical assistance under subch. IV, aid to families with dependent children under s. 49.19 and food stamp benefits under the food stamp program under 7 USC 2011 to 2036 and, on the part of participants in the Wisconsin works program under ss. 49.141 to 49.161, and, if the department of health and family services contracts with the department under s. 49.45 (2) (b) 6., on the part of recipients of medical assistance under subch. IV. The department’s activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin works agencies to encourage activities to detect fraud. The department shall cooperate with district attorneys regarding fraud prosecutions.
SECTION 1724. 49.197 (3) of the statutes is amended to read:
49.197 (3) STATE ERROR REDUCTION ACTIVITIES. The department shall conduct
activities to reduce payment errors in medical assistance under subch. IV, Wisconsin
works under ss. 49.141 to 49.161, aid to families with dependent children under s.
49.19 and the food stamp program under 7 USC 2011 to 2029 2036, and, if the
department of health and family services contracts with the department under s.
49.45 (2) (b) 6., the medical assistance program under subch. IV. The department
shall fund the activities under this section from the appropriation under s. 20.445
(3) (L).

SECTION 1725. 49.197 (4) of the statutes is amended to read:
49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. The department shall provide
funds from the appropriations under s. 20.445 (3) (dz), (L), (Lm) and federal
matching funds from the appropriations under s. 20.445 (3) (md), (n), and (nL) to
counties and governing bodies of federally recognized American Indian tribes
administering medical assistance under subch. IV, aid to families with dependent
children under s. 49.19 or the food stamp program under 7 USC 2011 to 2029 2036
or, if the department of health and family services contracts with the department
under s. 49.45 (2) (b) 6., the medical assistance program under subch. IV to offset
administrative costs of reducing payment errors in those programs.

SECTION 1726. 49.30 (2) of the statutes is amended to read:
49.30 (2) From the appropriation appropriations under s. 20.445 (3) (dz) and
(md), the department shall reimburse a county or applicable tribal governing body
or organization for any amount that the county or applicable tribal governing body
or organization is required to pay under sub. (1). From the appropriation
appropriations under s. 20.445 (3) (dz) and (md), the department shall reimburse a
county or applicable tribal governing body or organization for cemetery expenses or
for funeral and burial expenses for persons described under sub. (1) that the county
or applicable tribal governing body or organization is not required to pay under subs.
(1) and (1m) only if the department approves the reimbursement due to unusual
circumstances.

SECTION 1727. 49.32 (2) (d) of the statutes is amended to read:

49.32 (2) (d) The department shall disburse from state or federal funds or both
the entire amount and charge the county for its share under s. 49.33 (8) and (9).

SECTION 1728. 49.32 (7) (b) of the statutes is amended to read:

49.32 (7) (b) The department shall conduct a program to periodically match the
records of recipients of medical assistance under s. 49.46, 49.468 or 49.47, aid to
families with dependent children under s. 49.19 and food stamp benefits under the
food stamp program under 7 USC 2011 to 2029 2036 and, if the department of health
and family services contracts with the department under s. 49.45 (2) (b) 6., recipients
of medical assistance under subch. IV with the records of recipients under those
programs in other states. If an agreement with the other states can be obtained,
matches with records of states contiguous to this state shall be conducted at least
annually.

SECTION 1729. 49.32 (7) (c) of the statutes is amended to read:

49.32 (7) (c) The department shall conduct a program to periodically match the
address records of recipients of medical assistance under s. 49.46, 49.468 or 49.47,
aid to families with dependent children under s. 49.19 and food stamp benefits under
the food stamp program under 7 USC 2011 to 2029 2036 and, if the department of
health and family services contracts with the department under s. 49.45 (2) (b) 6.,
recipients of medical assistance under subch. IV to verify residency and to identify recipients receiving duplicate or fraudulent payments.

SECTION 1730. 49.32 (7) (d) of the statutes is amended to read:

49.32 (7) (d) The department, with assistance from the department of corrections, shall conduct a program to periodically match the records of persons confined in state correctional facilities with the records of recipients of medical assistance under s. 49.46, 49.468 or 49.47, aid to families with dependent children under s. 49.19 and food stamp benefits under the food stamp program under 7 USC 2011 to 2029 2036 and, if the department of health and family services contracts with the department under s. 49.45 (2) (b) 6., recipients of medical assistance under subch. IV to identify recipients who may be ineligible for benefits.

SECTION 1731. 49.33 (1) (b) of the statutes is amended to read:

49.33 (1) (b) “Income maintenance program” means aid to families with dependent children under s. 49.19, the Wisconsin works program under ss. 49.141 to 49.161, the medical assistance program under subch. IV of ch. 49, or the food stamp program under 7 USC 2011 to 2029 2036.

SECTION 1732. 49.33 (2) of the statutes is repealed and recreated to read:

49.33 (2) CONTRACTS. (a) Annually, the department and the department of health and family services shall, jointly, contract with county departments under ss. 46.215, 46.22, and 46.23 to reimburse the county departments for the reasonable cost of administering the medical assistance program under subch. IV.

(b) Annually, the department shall contract with county departments under ss. 46.215, 46.22, and 46.23 to reimburse the county departments for the reasonable cost of administering income maintenance programs, other than the medical assistance program under subch. IV.
SECTION 1733. 49.33 (4) of the statutes is repealed.

SECTION 1734. 49.33 (5) of the statutes is repealed.

SECTION 1735. 49.33 (6) of the statutes is repealed.

SECTION 1736. 49.33 (7) of the statutes is repealed.

SECTION 1737. 49.33 (8) (a) of the statutes is amended to read:

49.33 (8) (a) The From the appropriation accounts under ss. 20.445 (3) (dz),
(kx), (md), and (nL) and subject to par. (b), the department shall reimburse each
county that contracts with the department and the department of health and family
services under sub. (2) (a) for reasonable costs of income maintenance relating to the
administration of the programs under this subchapter and subch. IV according to
administering the medical assistance program under subch. IV and that contracts
with the department under sub. (2) (b) for the reasonable costs of administering
income maintenance programs other than the medical assistance program under
subch. IV. The amount of each reimbursement paid under this paragraph shall be
calculated using a formula based on workload within the limits of available state and
federal funds under s. 20.445 (3) (dz), (kx), (md), and (nL) by contract under s. 49.33
(2). The amount of reimbursement calculated under this paragraph and par. (b) is
in addition to any reimbursement provided to a county for fraud and error reduction
under s. 49.197 (1m) and (4).

SECTION 1738. 49.33 (8) (b) of the statutes is amended to read:

49.33 (8) (b) The department may adjust the amounts determined under par.
(a) for workload changes and computer network activities performed by counties and
may reduce the amount of any reimbursement if federal reimbursement is withheld
due to audits, quality control samples, or program reviews.

SECTION 1739. 49.33 (9) of the statutes is repealed.
SECTION 1740. 49.33 (10) (a) of the statutes is amended to read:

49.33 (10) (a) The county treasurer and each director of a county department under s. 46.215, 46.22, or 46.23 shall certify monthly under oath to the department in such manner as the department prescribes the claim of the county for state reimbursement under sub. sub. (8) and (9) and (a). The department shall review each claim of reimbursement and, if the department approves such the claim it, the department shall certify to the department of administration for reimbursement to the county for amounts due under these subsections sub. (8) (a) and payment claimed to be made to the counties monthly. The department may make advance payments prior to the beginning of each month equal to one-twelfth of the contracted amount.

SECTION 1741. 49.36 (1) of the statutes is renumbered 49.36 (1) (intro.) and amended to read:

49.36 (1) (intro.) In this section, “custodial:

(a) “Custodial parent” means a parent who lives with his or her child for substantial periods of time.

SECTION 1742. 49.36 (1) (b) of the statutes is created to read:

49.36 (1) (b) “Tribal governing body” means an elected tribal governing body of a federally recognized American Indian tribe or band.

SECTION 1743. 49.36 (2) of the statutes is amended to read:

49.36 (2) The department may contract with any county, tribal governing body, or Wisconsin works agency to administer a work experience and job training program for parents who are not custodial parents and who fail to pay child support or to meet their children’s needs for support as a result of unemployment or underemployment. The program may provide the kinds of work experience and job training services available from the program under s. 49.193, 1997 stats., or s. 49.147 (3) or (4). The
program may also include job search and job orientation activities. The department shall fund the program from the appropriation under s. 20.445 (3) (dz).

**SECTION 1744.** 49.36 (4) of the statutes is amended to read:

49.36 (4) When a person completes 16 weeks of participation in a program under this section, the county, tribal governing body, or Wisconsin works agency operating the program shall inform the clerk of courts, by affidavit, of that completion.

**SECTION 1745.** 49.36 (5) of the statutes is amended to read:

49.36 (5) A person participating in work experience as part of the program under this section is considered an employee of the county, tribal governing body, or Wisconsin works agency administering the program under this section for purposes of worker’s compensation benefits only.

**SECTION 1746.** 49.36 (6) of the statutes is amended to read:

49.36 (6) A county, tribal governing body, or Wisconsin works agency administering the program under this section shall reimburse a person for reasonable transportation costs incurred because of participation in a program under this section up to a maximum of $25 per month.

**SECTION 1747.** 49.36 (7) of the statutes is amended to read:

49.36 (7) The department shall pay a county, tribal governing body, or Wisconsin works agency not more than $400 for each person who participates in the program under this section in the region in which the county, tribal governing body, or Wisconsin works agency administers the program under this section. The county, tribal governing body, or Wisconsin works agency shall pay any additional costs of the program.

**SECTION 1748.** 49.43 (8) of the statutes is amended to read:
49.43 (8) “Medical assistance” means any services or items under ss. 49.45 to
49.472, except s. 49.472 (6), and under ss. 49.49 to 49.497, or any payment or
reimbursement made for such services or items.

**SECTION 1749.** 49.45 (2) (a) 3. of the statutes is amended to read:

49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
rehabilitative, and social services under ss. 49.46, 49.468, and 49.47 and rules and
policies adopted by the department and may shall, under a contract under s. 49.33
(2) (a), designate this function to the county department under s. 46.215, 46.22, or
46.23 or, to the extent permitted by federal law or a waiver from the federal secretary
of health and human services, to a Wisconsin works agency.

**SECTION 1750.** 49.45 (2) (a) 3m. of the statutes is created to read:

49.45 (2) (a) 3m. If the department does not contract with the department of
workforce development under par. (b) 6., establish a program to investigate
suspected fraudulent activity on the part of recipients of medical assistance and
establish a program to reduce errors in the payments of medical assistance.

**SECTION 1751.** 49.45 (2) (a) 10. of the statutes is renumbered 49.45 (2) (a) 10.
a. and amended to read:

49.45 (2) (a) 10. a. After reasonable notice and opportunity for hearing the
provider to present information and argument to department staff, recover money
improperly or erroneously paid, or overpayments to a provider either by offsetting
or adjusting amounts owed the provider under the program, crediting against a
provider’s future claims for reimbursement for other services or items furnished by
the provider under the program, or by requiring the provider to make direct payment
to the department or its fiscal intermediary.

**SECTION 1752.** 49.45 (2) (a) 10. b. of the statutes is created to read:
49.45 (2) (a) 10. b. Establish a deadline for payment of a recovery imposed under this subdivision and, if a provider fails to pay all of the amount to be recovered by the deadline, require payment, by the provider, of interest on any delinquent amount at the rate of 1% per month or fraction of a month from the date of the overpayment.

SECTION 1753. 49.45 (2) (a) 11. of the statutes is amended to read:

49.45 (2) (a) 11. Establish criteria for the certification of eligible providers of services under Title XIX of the social security act medical assistance and, except as provided in par. (b) 6m. and s. 49.48, and subject to par. (b) 7. and 8., certify such eligible providers who meet the criteria.

SECTION 1754. 49.45 (2) (a) 12. of the statutes is amended to read:

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

**SECTION 1755.** 49.45 (2) (b) 6. of the statutes is created to read:

49.45 (2) (b) 6. Contract with the department of workforce development to
investigate suspected fraudulent activity on the part of medical assistance recipients
and to reduce errors in the payments of medical assistance under s. 49.197.

**SECTION 1756.** 49.45 (2) (b) 6m. of the statutes is created to read:

49.45 (2) (b) 6m. Limit the number of providers of particular services that may
be certified under par. (a) 11. or the amount of resources, including employees and
equipment, that a certified provider may use to provide particular services to medical
assistance recipients, if the department finds all of the following:

a. That existing certified providers and resources provide services that are
adequate in quality and amount to meet the need of medical assistance recipients for
the particular services.

b. That the potential for medical assistance fraud or abuse exists if additional
providers are certified or additional resources are used by certified providers.

**SECTION 1757.** 49.45 (2) (b) 7. of the statutes is created to read:

49.45 (2) (b) 7. Require, as a condition of certification under par. (a) 11., all
providers of a specific service that is among those enumerated under s. 49.46 (2) or
49.47 (6) (a), as specified in this subdivision, to file with the department a surety bond
issued by a surety company licensed to do business in this state. Providers subject
to this subdivision provide those services specified under s. 49.46 (2) or 49.47 (6) (a)
for which providers have demonstrated significant potential to violate s. 49.49 (1) (a),
(2) (a) or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a), to require recovery under par. (a)
10., or to need additional sanctions under par. (a) 13. The surety bond shall be
payable to the department in an amount that the department determines is reasonable in view of amounts of former recoveries against providers of the specific service and the department’s costs to pursue those recoveries. The department shall promulgate rules under this subdivision that specify all of the following:

a. Services under medical assistance for which providers have demonstrated significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a), or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions under par. (a) 13.

b. The amount or amounts of the surety bonds.

c. Terms of the surety bond, including amounts, if any, without interest to be refunded to the provider upon withdrawal or decertification from the medical assistance program.

**SECTION 1758.** 49.45 (2) (b) 8. of the statutes is created to read:

49.45 (2) (b) 8. Require a person who takes over the operation, as defined in sub. (21) (ag), of a provider, to first obtain certification under par. (a) 11. for the operation of the provider, regardless of whether the person is currently certified. The department may withhold the certification required under this subdivision until any outstanding repayment under sub. (21) is made.

**SECTION 1759.** 49.45 (2) (b) 9. of the statutes is created to read:

49.45 (2) (b) 9. After providing reasonable notice and opportunity for a hearing, charge a fee to a provider that repeatedly has been subject to recoveries under par. (a) 10. a. because of the provider’s failure to follow identical or similar billing procedures or to follow other identical or similar program requirements. The fee shall be used to defray in part the costs of audits and investigations by the department under sub. (3) (g) and may not exceed $1,000 or 200% of the amount of
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any such repeated recovery made, whichever is greater. The provider shall pay the fee to the department within 10 days after receipt of notice of the fee or the final decision after administrative hearing, whichever is later. The department may recover any part of a fee not timely paid by offsetting the fee against any medical assistance payment owed to the provider and may refer any such unpaid fees not collected in this manner to the attorney general, who may proceed with collection under this subdivision. Failure to timely pay in any manner a fee charged under this subdivision, other than a fee that is offset against any medical assistance payment owed to the provider, is grounds for decertification under subd. 12. A provider’s payment of a fee does not relieve the provider of any other legal liability incurred in connection with the recovery for which the fee is charged, but is not evidence of violation of a statute or rule. The department shall credit all fees received under this subdivision to the appropriation account under s. 20.435 (4) (iL).

SECTION 1760. 49.45 (3) (ag) of the statutes is amended to read:

49.45 (3) (ag) Reimbursement shall be made to each entity contracted with under s. 46.281 (1) (d) for functional screenings performed under s.46.281 (1) (d).

SECTION 1761. 49.45 (3) (g) of the statutes is amended to read:

49.45 (3) (g) The secretary may authorize personnel to audit or investigate and report to the department on any matter involving violations or complaints alleging violations of laws statutes, regulations, or rules applicable to Title XIX of the federal social security act or the medical assistance program and to perform such investigations or audits as are required to verify the actual provision of services or items available under the medical assistance program and the appropriateness and accuracy of claims for reimbursement submitted by providers
participating in the program. Department employees authorized by the secretary under this paragraph shall be issued, and shall possess at all times during which they are performing their investigatory or audit functions under this section, identification, signed by the secretary that specifically designates the bearer as possessing the authorization to conduct medical assistance investigations or audits. Pursuant to the request of a designated person and upon presentation of the person’s authorization, providers and medical assistance recipients shall accord such the person access to any provider personnel, records, books, recipient medical records, or documents or other information needed. Under the written request of a designated person and upon presentation of the person’s authorization, providers and recipients shall accord the person access to any needed patient health care records of a recipient. Authorized employees shall have authority to may hold hearings, administer oaths, take testimony, and perform all other duties necessary to bring such the matter before the department for final adjudication and determination.

Section 1762. 49.45 (3) (h) 1. of the statutes is repealed.

Section 1763. 49.45 (3) (h) 2. of the statutes is repealed.

Section 1764. 49.45 (3) (h) 3. of the statutes is renumbered 49.45 (3) (h) and amended to read:

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

**SECTION 1765.** 49.45 (5m) (am) of the statutes is amended to read:

49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriations under
s. 20.435 (4) (b) and (o), and (w), the department shall distribute not more than
$2,256,000 in each fiscal year, to provide supplemental funds to rural hospitals that,
as determined by the department, have high utilization of inpatient services by
patients whose care is provided from governmental sources, and to provide
supplemental funds to critical access hospitals, except that the department may not
distribute funds to a rural hospital or to a critical access hospital to the extent that
the distribution would exceed any limitation under 42 USC 1396b (i) (3).

**SECTION 1766.** 49.45 (5r) of the statutes is repealed.

**SECTION 1767.** 49.45 (6b) of the statutes is amended to read:

49.45 (6b) CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
services provided by the centers for the developmentally disabled. Reimbursement
to the centers for the developmentally disabled shall be reduced following each
placement made under s. 46.275 that involves a relocation from a center for the
developmentally disabled, by $184 $200 per day, beginning in fiscal year 1999−2000
2001−02, and by $190 $225 per day, beginning in fiscal year 2000−01 2002−03.

**SECTION 1768.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
subsection made under s. 20.435 (4) (b), (pa) or (w) shall, except as provided
in pars. (bg), (bm), and (br), be determined according to a prospective payment system updated annually by the department. The payment system shall implement standards that are necessary and proper for providing patient care and that meet quality and safety standards established under subch. II of ch. 50 and ch. 150. The payment system shall reflect all of the following:

**SECTION 1769.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

49.45 (6m) (ar) 1. a. The department shall establish standards for payment of allowable direct care costs, for facilities that do not primarily serve the developmentally disabled, that take into account direct care costs for a sample of all of those facilities in this state and separate standards for payment of allowable direct care costs, for facilities that primarily serve the developmentally disabled, that take into account direct care costs for a sample of all of those facilities in this state. The standards shall be adjusted by the department for regional labor cost variations.

**SECTION 1770.** 49.45 (6m) (L) of the statutes is amended to read:

49.45 (6m) (L) For purposes of ss. 46.27 (11) (c) 7. and 46.277 (5) (e), the department shall, by July 1 annually, may determine annually the statewide medical assistance daily cost of nursing home care and submit the determination to the department of administration for review. The department of administration shall approve the determination before payment may be made under s. 46.27 (11) (c) 7. or 46.277 (5) (e).

**SECTION 1771.** 49.45 (6t) (intro.) of the statutes is amended to read:

49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING DEFICIT REDUCTION. (intro.) From the appropriation under s. 20.435 (4) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42
or by a local health department, as defined in s. 250.01 (4), for services provided
under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., L., and Lm., 9. and 15., and 18.,
for case management services under s. 49.46 (2) (b) 12. and for mental health day
treatment services for minors provided under the authorization under 42 USC 1396d
(r) (5), the department shall allocate up to $4,500,000 moneys in each fiscal year to
these county departments, or local health departments as determined by the
department, and shall perform all of the following:

SECTION 1772. 49.45 (6t) (intro.) of the statutes, as affected by 2001 Wisconsin
Act .... (this act), is repealed and recreated to read:

49.45 (6t) COUNTY DEPARTMENT AND LOCAL HEALTH DEPARTMENT OPERATING
deficit reduction. (intro.) From the appropriation under s. 20.435 (4) (o), for
reduction of operating deficits, as defined under criteria developed by the
department, incurred by a county department under s. 46.215, 46.22, 46.23, or 51.42
or by a local health department, as defined in s. 250.01 (4), for services provided
under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., L., and Lm., 9., and 15., for case
management services under s. 49.46 (2) (b) 12. and for mental health day treatment
services for minors provided under the authorization under 42 USC 1396d (r) (5), the
department shall allocate moneys in each fiscal year to these county departments,
or local health departments as determined by the department, and shall perform all
of the following:

SECTION 1773. 49.45 (6t) (a) of the statutes is amended to read:

49.45 (6t) (a) For the reduction of operating deficits incurred by the county
departments or local health departments, estimate the availability of federal
medicaid funds that may be matched to county, city, town, or village funds that are
expended for costs in excess of reimbursement for services provided under s. 49.46
(2) (a) 4. d. and (b) 6. f., fm., j., k. and L., and Lm., 9. and 15., and 18., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minor minors provided under the authorization under 42 USC 1396d (r) (5).

Section 1774. 49.45 (6t) (a) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is repealed and recreated to read:

49.45 (6t) (a) For the reduction of operating deficits incurred by the county departments or local health departments, estimate the availability of federal medicaid funds that may be matched to county, city, town, or village funds that are expended for costs in excess of reimbursement for services provided under s. 49.46 (2) (a) 4. d. and (b) 6. f., fm., j., k., L., and Lm., 9., and 15., for case management services under s. 49.46 (2) (b) 12. and for mental health day treatment services for minors provided under the authorization under 42 USC 1396d (r) (5).

Section 1775. 49.45 (6u) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is renumbered 49.45 (6u) (am), and 49.45 (6u) (am) (intro.) and 2. (intro.) and b., 3., 4., 5. and 6., as renumbered, are amended to read:

49.45 (6u) (am) (intro.) Notwithstanding sub. (6m), in state fiscal years in which less than $115,200,000 in federal financial participation relating to facilities is received under 42 CFR 433.51, from the appropriation appropriations under s. 20.435 (4) (o) and (w), for reduction of operating deficits, as defined under criteria developed the methodology used by the department in December, 2000, incurred by a facility, as defined under sub. (6m) (a) 3., that is established under s. 49.70 (1) or that is owned and operated by a city, village, or town, the department may not distribute to these facilities more than $40,100,000 $37,100,000 in each fiscal year, as determined by the department. The total amount that a county certifies under
this subsection may not exceed 100% of otherwise-unreimbursed care. In
distributing funds under this subsection, the department shall perform all of the
following:

2. (intro.) Based on the amount estimated available under par. (a) subd. 1.,
develop a method to distribute this allocation to the individual facilities that have
incurred operating deficits that shall include:

b. Agreement by the county in which is located the facility established under
s. 49.70 (1) and agreement by the city, village, or town that owns and operates the
facility that the applicable county, city, village, or town shall provide funds to match
federal medical assistance matching funds under this subsection paragraph.

3. Distribute the allocation under the distribution method that is developed,
unless a county has failed to comply with par. (b) 2m subd. 2. bm.

4. If the federal department of health and human services approves for state
expenditure in a fiscal year amounts under s. 20.435 (4) (o) and (w) that result in a
lesser allocation amount than that allocated under this subsection paragraph,
allocate not more than the lesser amount so approved by the federal department of
health and human services.

5. If the federal department of health and human services approves for state
expenditure in a fiscal year amounts under s. 20.435 (4) (o) and (w) that result in a
lesser allocation amount than that allocated under this subsection paragraph,
submit a revision of the method developed under par. (b) subd. 2. for approval by the
joint committee on finance in that state fiscal year.

6. If the federal department of health and human services disallows use of the
allocation of matching federal medical assistance funds distributed under par. (c)
subd. 3., apply the requirements under sub. (6m) (br).
SECTION 1776. 49.45 (6u) (intro.) of the statutes is amended to read:

49.45 (6u) SUPPLEMENTAL PAYMENTS TO CERTAIN FACILITIES. (intro.)

Notwithstanding sub. (6m), from the appropriation under s. 20.435 (4) (o), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a facility, as defined under sub. (6m) (a) 3., that is established under s. 49.70 (1) or that is owned and operated by a city, village or town, the department may not distribute to these facilities more than $38,600,000 in each fiscal year, as determined by the department, except that the department shall also distribute for this same purpose from the appropriation under s. 20.435 (4) (o) any additional federal medical assistance moneys that were not anticipated before enactment of the biennial budget act or other legislation affecting s. 20.435 (4) (o). The total amount that a county certifies under this subsection may not exceed 100% of otherwise-unreimbursed care. In distributing funds under this subsection, the department shall perform all of the following:

SECTION 1777. 49.45 (6u) (ag) of the statutes is created to read:

49.45 (6u) (ag) In this subsection, “facility” has the meaning given in sub. (6m) (a) 3.

SECTION 1778. 49.45 (6u) (bm) of the statutes is created to read:

49.45 (6u) (bm) In state fiscal years in which $115,200,000 or more in federal financial participation relating to facilities is received under 42 CFR 433.51, from the appropriations under s. 20.435 (4) (o) and (w), for reduction of operating deficits, as defined under criteria developed by the department, incurred by a facility that is established under s. 49.70 (1) or that is owned and operated by a city, village, or town, the department may not distribute to these facilities more than $77,100,000 in each
fiscal year, as determined by the department under a methodology as specified in the
state plan for services under 42 USC 1396.

**SECTION 1779.** 49.45 (6x) (a) of the statutes is amended to read:

49.45 (6x) (a) Notwithstanding sub. (3) (e), from the appropriations under s.
20.435 (4) (b) and, (o), and (w), the department shall distribute not more than
$4,748,000 in each fiscal year, to provide funds to an essential access city hospital,
except that the department may not allocate funds to an essential access city hospital
to the extent that the allocation would exceed any limitation under 42 USC 1396b
(i) (3).

**SECTION 1780.** 49.45 (6y) (a) of the statutes is amended to read:

49.45 (6y) (a) Notwithstanding sub. (3) (e), from the appropriations under s.
20.435 (4) (b) and, (o), and (w), the department shall distribute funding in each fiscal
year to provide supplemental payment to hospitals that enter into a contract under
s. 49.02 (2) to provide health care services funded by a relief block grant, as
determined by the department, for hospital services that are not in excess of the
hospitals’ customary charges for the services, as limited under 42 USC 1396b (i) (3).
If no relief block grant is awarded under this chapter or if the allocation of funds to
such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the
department may distribute funds to hospitals that have not entered into a contract
under s. 49.02 (2).

**SECTION 1781.** 49.45 (6y) (am) of the statutes is amended to read:

49.45 (6y) (am) Notwithstanding sub. (3) (e), from the appropriations under s.
20.435 (4) (b), (h) and, (o), and (w), the department shall distribute funding in each
fiscal year to provide supplemental payments to hospitals that enter into contracts
under s. 49.02 (2) with a county having a population of 500,000 or more to provide
health care services funded by a relief block grant, as determined by the department, for hospital services that are not in excess of the hospitals’ customary charges for the services, as limited under 42 USC 1396b (i) (3).

**SECTION 1782.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

49.45 (6z) (a) (intro.) Notwithstanding sub. (3) (e), from the appropriations under s. 20.435 (4) (b), (o), and (w), the department shall distribute funding in each fiscal year to supplement payment for services to hospitals that enter into a contract under s. 49.02 (2) to provide health care services funded by a relief block grant under this chapter, if the department determines that the hospitals serve a disproportionate number of low-income patients with special needs. If no medical relief block grant under this chapter is awarded or if the allocation of funds to such hospitals would exceed any limitation under 42 USC 1396b (i) (3), the department may distribute funds to hospitals that have not entered into a contract under s. 49.02 (2). The department may not distribute funds under this subsection to the extent that the distribution would do any of the following:

**SECTION 1783.** 49.45 (8) (b) of the statutes is amended to read:

49.45 (8) (b) Reimbursement under s. 20.435 (4) (b) and (o), and (w) for home health services provided by a certified home health agency or independent nurse shall be made at the home health agency’s or nurse’s usual and customary fee per patient care visit, subject to a maximum allowable fee per patient care visit that is established under par. (c).

**SECTION 1784.** 49.45 (21) (title) of the statutes is amended to read:

49.45 (21) (title) TRANSFER OF BUSINESS, LIABILITY FOR TAKING OVER PROVIDER’S OPERATION; REPAYMENTS REQUIRED.
**SECTION 1785.** 49.45 (21) (a) of the statutes is renumbered 49.45 (21) (ar) and amended to read:

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

**SECTION 1786.** 49.45 (21) (ag) of the statutes is created to read:

49.45 (21) (ag) In this subsection, “take over the operation” means obtain, with respect to an aspect of a provider’s business for which the provider has filed claims for medical assistance reimbursement, any of the following:

1. Ownership of the provider’s business or all or substantially all of the assets of the business.

2. Majority control over decisions.

3. The right to any profits or income.

4. The right to contact and offer services to patients, clients, or residents served by the provider.

5. An agreement that the provider will not compete with the person at all or with respect to a patient, client, resident, service, geographical area, or other part of the provider’s business.
6. The right to perform services that are substantially similar to services performed by the provider at the same location as those performed by the provider.

7. The right to use any distinctive name or symbol by which the provider is known in connection with services to be provided by the person.

**SECTION 1787.** 49.45 (21) (b) of the statutes is amended to read:

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

If a transferor fails to pay within 90 days after receiving notice from the department, the department, may proceed under sub. (2) (a), or may do both.

**SECTION 1788.** 49.45 (24m) (intro.) of the statutes is amended to read:

49.45 (24m) **HOME HEALTH CARE AND PERSONAL CARE PILOT PROGRAM.** (intro.) From the appropriations under s. 20.435 (4) (b) and (o), and (w), in order to test the feasibility of instituting a system of reimbursement for providers of home health care and personal care services for medical assistance recipients that is based on competitive bidding, the department shall:

**SECTION 1789.** 49.45 (30m) of the statutes is amended to read:

49.45 (30m) **CERTAIN SERVICES FOR DEVELOPMENTALLY DISABLED.** A county shall provide the portion of the services under s. 51.06 (4) (1m) (d) to individuals who are eligible for medical assistance that is not provided by the federal government.
SECTION 1790. 49.45 (40) of the statutes is amended to read:

49.45 (40) Periodic record matches. If the department contracts with the department of workforce development under sub. (2) (b) 6., the department shall cooperate with the department of workforce development in matching records of medical assistance recipients under s. 49.32 (7).

SECTION 1791. 49.45 (46) (b) of the statutes is amended to read:

49.45 (46) (b) This subsection does not apply after July 1 June 30, 2003.

SECTION 1792. 49.45 (48) of the statutes is created to read:

49.45 (48) Payment of medicare part B outpatient hospital services coinsurances. The department shall include in the state plan for medical assistance a methodology for payment of the medicare part B outpatient hospital services coinsurance amounts that are authorized under ss. 49.46 (2) (c) 2., 4., and 5m., 49.468 (1) (b), and 49.47 (6) (a) 6. b., d., and f.

SECTION 1793. 49.45 (49) of the statutes is created to read:

49.45 (49) Promotion of prescription drug assistance plans. (a) In this subsection, “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is included in the drugs specified under s. 49.46 (2) (b) 6. h.

(b) The department shall, together with the department of administration, promote, in health information and on the state’s Internet site, private prescription drug assistance plans, including offers by prescription drug manufacturers of specific no-cost or reduced-cost prescription drugs and private plans that offer prescription drug discounts to members.

SECTION 1794. 49.45 (50) of the statutes is created to read:

49.45 (50) Federal discount drug program. (a) In this subsection, “federally qualified health center” has the meaning specified in 42 USC 1396d (L) (2) (B).
(b) The department shall inform those entities, including tribes and federally qualified health centers, that are eligible for the federal prescription drug discount program under 42 USC 256b about their eligibility and about the benefits of the program and shall provide technical assistance to the entities in applying for and implementing benefits under the program.

SECTION 1795. 49.45 (51) of the statutes is created to read:

49.45 (51) FEDERALLY QUALIFIED HEALTH CENTERS. (a) In this subsection, “federally qualified health center” has the meaning specified in 42 USC 1396 (L) (2) (B).

(b) The department shall analyze health care data in the state so as to identify areas that could be eligible for and benefit from establishment of federally qualified health centers and shall provide entities in the identified areas with information about and technical assistance in developing federally qualified health centers.

SECTION 1796. 49.45 (52) of the statutes is created to read:

49.45 (52) BULK PURCHASE AND MAIL ORDER DELIVERY OF PRESCRIPTION DRUGS. (a) In this subsection, “prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is included in the drugs specified under s. 49.46 (2) (b) 6. h.

(b) The department shall work with the department of administration to contract with a private entity for the bulk purchase and mail order delivery of prescription drugs and medical supplies for persons who meet eligibility requirements under s. 49.46 (1), 49.468, 49.47 (4), or 49.472, or, if a waiver is granted, under s. 49.477, and who have chronic conditions, including diabetes, asthma, and hypertension. Participation by an eligible person under this subsection is voluntary. If the department contracts under this subsection, the private entity with which the department contracts shall administer and promote the bulk purchase and mail
order delivery of prescription drugs and shall, each 3 months, telephone participants
to ascertain their progress in administering self-care.

(c) Annually, the department shall evaluate hospital and emergency room costs
of participants under par. (b) to determine the extent of savings, if any, achieved by
their participation in the bulk purchase and mail order delivery of prescription
drugs.

**SECTION 1797.** 49.46 (1) (a) 1. of the statutes is amended to read:

49.46 (1) (a) 1. Any person included in the Notwithstanding s. 49.19 (20), any
individual who, without regard to the individual’s resources, would qualify for a
grant of aid to families with dependent children and any person who does not receive such aid solely because of the application of
s. 49.19.

1g. Notwithstanding s. 49.19 (20), any individual who, without regard to the
individual’s resources, would qualify for a grant of aid to families with dependent
children but who would not receive such aid solely because of the application of
s. 49.19 (11) (a) 7.

**SECTION 1798.** 49.46 (1) (a) 1m. of the statutes is amended to read:

49.46 (1) (a) 1m. Any pregnant woman who meets the resource and whose
income limits does not exceed the standard of need under s. 49.19 (4) (bm) and (es)
(11) and whose pregnancy is medically verified. Eligibility continues to the last day
of the month in which the 60th day after the last day of the pregnancy falls.

**SECTION 1799.** 49.46 (1) (a) 5. of the statutes is amended to read:

49.46 (1) (a) 5. Any child in an adoption assistance, foster care, kinship care,
long-term kinship care or treatment foster care, or subsidized guardianship
placement under ch. 48 or 938, as determined by the department.

**SECTION 1800.** 49.46 (1) (a) 6. of the statutes is amended to read:
49.46 (1) (a) 6. Any person not described in pars. (c) to (e) who is, without regard to the individual’s resources, would be considered, under federal law, to be receiving aid to families with dependent children for the purpose of determining eligibility for medical assistance.

Section 1801. 49.46 (1) (a) 9. of the statutes is amended to read:

49.46 (1) (a) 9. Any pregnant woman not described under subd. 1., 1g., or 1m. whose family income does not exceed 133% of the poverty line for a family the size of the woman’s family.

Section 1802. 49.46 (1) (a) 10. of the statutes is amended to read:

49.46 (1) (a) 10. Any child not described under subd. 1. or 1g. who is under 6 years of age and whose family income does not exceed 133% of the poverty line for a family the size of the child’s family.

Section 1803. 49.46 (1) (a) 11. of the statutes is amended to read:

49.46 (1) (a) 11. If a waiver under s. 49.665 is granted and in effect, any child not described under subd. 1. or 1g. who has attained the age of 6 but has not attained the age of 19 and whose family income does not exceed 100% of the poverty line for a family the size of the child’s family. If a waiver under s. 49.665 is not granted or in effect, any child not described in subd. 1. or 1g. who was born after September 30, 1983, who has attained the age of 6 but has not attained the age of 19 and whose family income does not exceed 100% of the poverty line for a family the size of the child’s family.

Section 1804. 49.46 (1) (a) 12. of the statutes is amended to read:

49.46 (1) (a) 12. Any child not described under subd. 1. or 1g. who is under 19 years of age and who meets the resource and whose income limits does not exceed the standard of need under s. 49.19 (4) (11).
SECTION 1805. 49.46 (1) (e) of the statutes is amended to read:

49.46 (1) (e) If an application under s. 49.47 (3) shows that the person has individual meets the income and resources within the limitations of limits under s. 49.19, or meets the income and resource requirements under federal Title XVI or s. 49.77, or that the person individual is an essential person, an accommodated person, or a patient in a public medical institution, the person individual shall be granted the benefits enumerated under sub. (2) whether or not the person individual requests or receives a grant of any of such aids.

SECTION 1806. 49.46 (2) (b) 18. of the statutes is amended to read:

49.46 (2) (b) 18. Alcohol or other drug abuse residential treatment services of no more than 45 days per treatment episode, under s. 49.45 (46). This subdivision does not apply after July 1 June 30, 2003.

SECTION 1807. 49.46 (2) (c) 2. of the statutes is amended to read:

49.46 (2) (c) 2. For an individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare, meets the eligibility criteria under sub. (1) and meets the limitation on income under subd. 6., medical assistance shall include payment of the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i–2 (d); and the late enrollment penalty, if applicable, for premiums under part A of medicare. Payment of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital services, may not exceed
the allowable charge for the service under medical assistance minus the medicare payment.

**SECTION 1808.** 49.46 (2) (c) 4. of the statutes is amended to read:

49.46 (2) (c) 4. For an individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare and meets the eligibility criteria for medical assistance under sub. (1), but does not meet the limitation on income under subd. 6., medical assistance shall include payment of the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those medicare services that are not included in the approved state plan for services under 42 USC 1396. Payment of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital services, may not exceed the allowable charge for the service under medical assistance minus the medicare payment.

**SECTION 1809.** 49.46 (2) (c) 5m. of the statutes is amended to read:

49.46 (2) (c) 5m. For an individual who is only entitled to coverage under part B of medicare and meets the eligibility criteria under sub. (1), but does not meet the limitation on income under subd. 6., medical assistance shall include payment of the deductible and coinsurance portions of medicare services under 42 USC 1395j to 1395w, including those medicare services that are not included in the approved state plan for services under 42 USC 1396. Payment of coinsurance for a service under part B of medicare, other than payment of coinsurance for outpatient hospital services, may not exceed the allowable charge for the service under medical assistance minus the medicare payment.

**SECTION 1810.** 49.468 (1) (b) of the statutes is amended to read:

49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare and who does not meet the eligibility criteria for medical assistance under s. 49.46 (1), 49.465 or 49.47 (4) but meets the limitations on income and resources under par. (d), medical assistance shall pay the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i–2 (d); and the late enrollment penalty, if applicable, for premiums under part A of medicare. Payment of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital services, may not exceed the allowable charge for the service under medical assistance minus the medicare payment.

SECTION 1811. 49.47 (4) (a) 1. of the statutes is amended to read:

49.47 (4) (a) 1. Under 18 21 years of age or, if the person and resides in an intermediate care facility, skilled nursing facility, or inpatient psychiatric hospital, under 21 years of age.

SECTION 1812. 49.47 (4) (a) 2. of the statutes is renumbered 49.47 (4) (ag) 2.

SECTION 1813. 49.47 (4) (ag) (intro.) of the statutes is created to read:

49.47 (4) (ag) (intro.) Any individual whose income does not exceed the limits under par. (c) and who complies with par. (cm) is eligible for medical assistance under this section if the individual is one of the following:

SECTION 1814. 49.47 (4) (ag) 1. of the statutes is created to read:

49.47 (4) (ag) 1. Under the age of 18.
SECTION 1815. 49.47 (4) (b) 2m. a. of the statutes is amended to read:

49.47 (4) (b) 2m. a. For persons who are eligible under par. (a) 1. or 2., one vehicle is exempt from consideration as an asset. A 2nd vehicle is exempt from consideration as an asset only if the department determines that it is necessary for the purpose of employment or to obtain medical care. The equity value of any nonexempt vehicles owned by the applicant is an asset for the purposes of determining eligibility for medical assistance under this section.

SECTION 1816. 49.47 (6) (a) 6. b. of the statutes is amended to read:

49.47 (6) (a) 6. b. An individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare, meets the eligibility criteria under sub. (4) (a) and meets the income limitation, the deductible and coinsurance portions of medicare services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those medicare services that are not included in the approved state plan for services under 42 USC 1396; the monthly premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under 42 USC 1395i–2 (d); and the late enrollment penalty, if applicable, for premiums under part A of medicare. Payment of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital services, may not exceed the allowable charge for the service under medical assistance minus the medicare payment.

SECTION 1817. 49.47 (6) (a) 6. d. of the statutes is amended to read:

49.47 (6) (a) 6. d. An individual who is entitled to coverage under part A of medicare, entitled to coverage under part B of medicare and meets the eligibility criteria for medical assistance under sub. (4) (a) but does not meet the income limitation, the deductible and coinsurance portions of medicare services under 42
USC 1395 to 1395zz which are not paid under 42 USC 1395 to 1395zz, including those
medicare services that are not included in the approved state plan for services under
42 USC 1396. Payment of coinsurance for a service under part B of medicare under
42 USC 1395j to 1395w, other than payment of coinsurance for outpatient hospital
services, may not exceed the allowable charge for the service under medical
assistance minus the medicare payment.

SECTION 1817. 49.47 (6) (a) 6. f. of the statutes is amended to read:

49.47 (6) (a) 6. f. For an individual who is only entitled to coverage under part
B of medicare and meets the eligibility criteria under sub. (4), but does not meet the
income limitation, medical assistance shall include payment of the deductible and
coinsurance portions of medicare services under 42 USC 1395j to 1395w, including
those medicare services that are not included in the approved state plan for services
under 42 USC 1396. Payment of coinsurance for a service under part B of medicare,
other than payment of coinsurance for outpatient hospital services, may not exceed
the allowable charge for the service under medical assistance minus the medicare

SECTION 1818. 49.47 (6) (a) 7. of the statutes is amended to read:

49.47 (6) (a) 7. Beneficiaries eligible under sub. (4) (a) 2. (ag) 2. or (am) 1., for
services under s. 49.46 (2) (a) and (b) that are related to pregnancy, including
postpartum services and family planning services, as defined in s. 253.07 (1) (b), or
related to other conditions which may complicate pregnancy.

SECTION 1820. 49.472 (6) (a) of the statutes is amended to read:

49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation under s.
20.435 (4) (b) or (w), the department shall, on the part of an individual who is eligible
for medical assistance under sub. (3), pay premiums for or purchase individual
coverage offered by the individual's employer if the department determines that
paying the premiums for or purchasing the coverage will not be more costly than
providing medical assistance.

**SECTION 1821.** 49.472 (6) (b) of the statutes is amended to read:

49.472 (6) (b) If federal financial participation is available, from the
appropriation under s. 20.435 (4) (b) or (w), the department may pay medicare Part
A and Part B premiums for individuals who are eligible for medicare and for medical
assistance under sub. (3).

**SECTION 1822.** 49.473 of the statutes is created to read:

49.473 **Medical assistance; women diagnosed with breast or cervical
cancer.** (1) A woman is eligible for medical assistance as provided under sub. (2)
if she meets all of the following requirements:

(a) The woman is not eligible for medical assistance under ss. 49.46 (1) and
(1m), 49.465, 49.468, 49.47, and 49.472, and is not eligible for health care coverage
under s. 49.665.

(b) The woman is under 65 years of age.

(c) The woman is not eligible for health care coverage that qualifies as
creditable coverage in 42 USC 300gg (c).

(d) The woman has been screened for breast or cervical cancer under a breast
and cervical cancer early detection program that is authorized under a grant
received under 42 USC 300k.

(e) The woman requires treatment for breast or cervical cancer.

(2) The department shall audit and pay, from the appropriation accounts under
s. 20.435 (4) (b) and (o), allowable charges to a provider who is certified under s. 49.45
(2) (a) 11. for medical assistance on behalf of a woman who meets the requirements under sub. (1) for all benefits and services specified under s. 49.46 (2).

SECTION 1823. 49.477 of the statutes is created to read:

49.477 Prescription drug assistance project. (1) In this section:

(a) “Medicare” means coverage under part A or part B of Title XVIII of the federal Social Security Act, 42 USC 1395 to 1395y.

(b) “Pharmacy discount rate” means the rate of medical assistance payment for the identical drug specified under s. 49.46 (2) (b) 6. h.

(c) “Poverty line” means the nonfarm federal poverty line for the continental United States, as defined by the federal department of labor under 42 USC 9902 (2).

(d) “Prescription drug” means a prescription drug, as defined in s. 450.01 (20), that is included in the drugs specified under s. 49.46 (2) (b) 6. h. and that is manufactured by a manufacturer that enters into a rebate agreement in force under medical assistance.

(e) “Prescription order” has the meaning given in s. 450.01 (21).

(2) The department shall request from the secretary of the federal department of health and human services a waiver, under 42 USC 1315 (a), of federal medicaid laws necessary to permit the department to conduct a project to expand eligibility for medical assistance to include individuals who meet the requirements specified under sub. (3). Eligibility for medical assistance under this subsection entitles an individual only to a benefit related to prescription drugs as specified under sub. (3).

(3) Notwithstanding ss. 49.46 (1) and 49.47 (4), a person who is a resident, as defined in s. 27.01 (10) (a), of this state, who is at least 65 years of age, who is otherwise ineligible for medical assistance, whose annual household income, as determined by the department, does not exceed 185% of the poverty line for a family
the size of the individual’s eligible family, who has not had available outpatient
prescription drug coverage from any source other than under medical assistance for
12 months, and who pays the project enrollment fee specified in sub. (4) (a) is eligible
for medical assistance for purposes of purchasing a prescription drug by paying the
amounts specified in sub. (4). The person may apply to the department, on a form
provided by the department together with program enrollment fee payment, for a
determination of eligibility and issuance of a prescription drug card for purchase of
prescription drugs under this section.

(4) Project participants shall pay all of the following:

(a) For each 12-month benefit period, a project enrollment fee of $25.

(b) For each 12-month benefit period, a deductible paid at the pharmacy
discount rate that equals one of the following, except that an individual with an
annual household income, as specified in sub. (3), that does not exceed 110% of the
federal poverty line pays no deductible:

1. For an individual with an annual household income, as specified in sub. (3),
that exceeds 110% but does not exceed 130% of the federal poverty line, $300.

2. For an individual with an annual household income, as specified in sub. (3),
that exceeds 130% but does not exceed 155% of the federal poverty line, $600.

3. For an individual with an annual household income, as specified in sub. (3),
that exceeds 155% but does not exceed 185% of the federal poverty line, a deductible
that equals, for each prescription drug, the pharmacy discount rate amount for the
drug.

(c) For an individual with an annual household income, as specified in sub. (3),
that is less than 110% of the federal poverty line and, after payment of the deductible
under par. (b), for the individuals specified in par. (b) 1. and 2., all of the following:
1. A copayment of $10 for each prescription drug that bears only a generic name.

2. A copayment of $20 for each prescription drug that does not bear only a generic name.

(5) Under the project under sub. (2), as a condition of participation by a pharmacy or pharmacist in the program under s. 49.45, 49.46, or 49.47, the pharmacy or pharmacist may not charge an individual who is eligible for medical assistance under sub. (2) and who presents a valid prescription order an amount for a prescription drug under the order that exceeds the amounts specified in sub. (4) (b) and (c).

(6) From the appropriations under s. 20.435 (4) (b) and (o), the department shall pay the pharmacy or pharmacist for a prescription drug purchased as specified under sub. (4) (c) the pharmacy discount rate amount for the drug, less copayments.

(7) (a) The department may not implement the project under this section unless all of the following apply:

1. A waiver that is consistent with all of the provisions of this section is granted and in effect. If the department receives the waiver, at the end of the period during which the waiver remains in effect the department shall request any available extension of the waiver.

2. Sufficient state and federal funds for the project are available.

(b) If a waiver, as specified under par. (a) 1., is granted, the department may not implement the project under this section if a national prescription drug benefit program for seniors is created that would provide similar benefits to a similar population and unless the department first submits a plan for project implementation that is approved by all of the following:
1. The department of administration.

2. The joint committee on finance. If the cochairpersons of the committee do not notify the secretary of health and family services within 14 working days after the date of the department’s submittal that the committee intends to schedule a meeting to review the plan, the department may, if approved under subd. 1., and if a substantially similar national prescription drug benefit program for seniors has not been created, implement the project. If, within 14 working days after the date of the department’s submittal, the cochairpersons of the committee notify the secretary of health and family services that the committee intends to schedule a meeting to review the plan, the project may be implemented only if the committee approves the plan.

SECTION 1824. 49.496 (2) (a) of the statutes is amended to read:

49.496 (2) (a) Except as provided in par. (b), the department may obtain a lien on a recipient’s home and any other real property in which the recipient has an interest if the recipient resides in a nursing home, or if the recipient resides in a hospital and is required to contribute to the cost of care, and the recipient cannot reasonably be expected to be discharged from the nursing home or hospital and return home. The lien is for the amount of medical assistance paid on behalf of the recipient that is recoverable under sub. (3) (a).

SECTION 1825. 49.496 (2) (b) (intro.) of the statutes is amended to read:

49.496 (2) (b) (intro.) The department may not obtain a lien on a recipient’s home under this subsection if any of the following persons lawfully reside in the home:

SECTION 1826. 49.496 (2) (c) (intro.) of the statutes is amended to read:
49.496 (2) (c) (intro.) Before obtaining a lien on a recipient’s home under this subsection, the department shall do all of the following:

**SECTION 1827.** 49.496 (2) (c) 1. of the statutes is amended to read:

49.496 (2) (c) 1. Notify the recipient in writing of its determination that the recipient cannot reasonably be expected to be discharged from the nursing home or hospital, its intent to impose a lien on the recipient’s home or other real property in which the recipient has an interest and the recipient’s right to a hearing on whether the requirements for the imposition of a lien are satisfied.

**SECTION 1828.** 49.496 (2) (d) of the statutes is amended to read:

49.496 (2) (d) The department shall obtain a lien under this subsection by recording a lien claim in the office of the register of deeds of the county in which the home property is located.

**SECTION 1829.** 49.496 (2) (e) of the statutes is amended to read:

49.496 (2) (e) The department may not enforce a lien under this subsection while the recipient lives unless the recipient sells the home property and does not have a living child who is under age 21 or disabled or a living spouse.

**SECTION 1830.** 49.496 (2) (f) 3. of the statutes is renumbered 49.496 (2) (fm) 1.

**SECTION 1831.** 49.496 (2) (f) 4. of the statutes is renumbered 49.496 (2) (fm) 2.

**SECTION 1832.** 49.496 (2) (fm) (intro.) of the statutes is created to read:

49.496 (2) (fm) (intro.) In addition to the restriction under par. (f), the department may not enforce a lien on a recipient’s home under this subsection after the death of the recipient as long as any of the following survives the recipient:

**SECTION 1833.** 49.496 (2) (h) of the statutes is amended to read:
49.496 (2) (h) The department shall file a release of a lien imposed under this subsection if the recipient is discharged from the nursing home or hospital and returns to live in the his or her home.

SECTION 1834. 49.496 (3) (a) 2. of the statutes is repealed and recreated to read:

49.496 (3) (a) 2. Subject to par. (ae), the amount of medical assistance paid on behalf of the recipient after the recipient reaches the age of 55.

SECTION 1835. 49.496 (3) (ae) of the statutes is created to read:

49.496 (3) (ae) The department shall, under par. (a) 2., calculate the amount of medical assistance paid on a fee-for-service basis, except as follows:

1. If medical assistance was paid for health care services that were provided by a managed care organization, under a program of all-inclusive care authorized under 42 USC 1396u-4, or under a demonstration program known as the Wisconsin partnership program authorized under a federal waiver under 42 USC 1315, the department shall calculate the amount of medical assistance paid as the capitation rate paid on behalf of the recipient.

2. If medical assistance was paid for health care services as part of the family care benefit received under s. 46.286, the department shall calculate the amount of medical assistance paid as the actual cost of those health care services, as reported to the department by a care management organization, as defined in s. 46.2805 (1).

SECTION 1836. 49.665 (4) (at) 1. a. of the statutes is amended to read:

49.665 (4) (at) 1. a. Except as provided in subd. 1. b., the department shall establish a lower maximum income level for the initial eligibility determination if funding under s. 20.435 (4) (bc), (jz) and (p), and (w) is insufficient to accommodate the projected enrollment levels for the health care program under this section. The adjustment may not be greater than necessary to ensure sufficient funding.
SECTION 1837. 49.665 (4) (at) 2. of the statutes is amended to read:

49.665 (4) (at) 2. If, after the department has established a lower maximum income level under subd. 1., projections indicate that funding under s. 20.435 (4) (bc), (jz) and (p), and (w) is sufficient to raise the level, the department shall, by state plan amendment, raise the maximum income level for initial eligibility, but not to exceed 185% of the poverty line.

SECTION 1838. 49.687 (2) of the statutes is amended to read:

49.687 (2) The department shall develop and implement a sliding scale of patient liability for kidney disease aid under s. 49.68, cystic fibrosis aid under s. 49.683 and hemophilia treatment under s. 49.685, based on the patient’s ability to pay for treatment. To ensure that the needs for treatment of patients with lower incomes receive priority within the availability of funds under s. 20.435 (4) (e), the department shall revise the sliding scale for patient liability by January 1, 1994, and shall, every 3 years thereafter by January 1, review and, if necessary, revise the sliding scale.

SECTION 1839. 49.85 (2) (a) of the statutes is amended to read:

49.85 (2) (a) At least annually, the department of health and family services shall certify to the department of revenue the amounts that, based on the notifications received under sub. (1) and on other information received by the department of health and family services, the department of health and family services has determined that it may recover under s. 49.45 (2) (a) 10. or 49.497, except that the department of health and family services may not certify an amount under this subsection unless it has met the notice requirements under sub. (3) and unless its determination has either not been appealed or is no longer under appeal.

SECTION 1840. 49.85 (3) (a) 1. of the statutes is amended to read:
49.85 (3) (a) 1. Inform the person that the department of health and family services intends to certify to the department of revenue an amount that the department of health and family services has determined to be due under s. 49.45 (2) (a) 10. or 49.497, for setoff from any state tax refund that may be due the person.

**SECTION 1841.** 49.853 (2) of the statutes is amended to read:

49.853 (2) **financial record matching program and agreements.** The department shall operate a financial record matching program under this section. The department shall promulgate rules specifying procedures under which the department shall enter into agreements with financial institutions doing business in this state to operate the financial record matching program under this section. The agreement shall require the financial institution to participate in the financial record matching program under this section by electing either the financial institution matching option under sub. (3) or the state matching option under sub. (4). The rules promulgated under this section shall provide for reimbursement of financial institutions in an amount not to exceed their actual costs of participation. The department shall reimburse a financial institution up to $125 per quarter for participating in the financial record matching program under this section.

**SECTION 1842.** 49.855 (1) of the statutes is amended to read:

49.855 (1) If a person obligated to pay child support, family support or maintenance, or the receiving and disbursing fee under s. 767.29 (1) (d) is delinquent in making court-ordered any of those payments, or owes an outstanding amount that has been ordered by the court for past support, medical expenses, or birth expenses, upon application under s. 59.53 (5) the department of workforce development shall certify the delinquent payment or outstanding amount to the department of revenue and, at least annually, shall provide to the department of revenue any certifications
of delinquencies or outstanding amounts that it receives from another state because
the obligor resides in this state.

SECTION 1843. 49.855 (3) of the statutes is amended to read:

49.855 (3) Receipt of a certification by the department of revenue shall
constitute a lien, equal to the amount certified, on any state tax refunds or credits
owed to the obligor. The lien shall be foreclosed by the department of revenue as a
setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
obligor that the state intends to reduce any state tax refund or credit due the obligor
by the amount the obligor is delinquent under the support or, maintenance, or
receiving and disbursing fee order or obligation, by the outstanding amount for past
support, medical expenses, or birth expenses under the court order, or by the amount
due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the
obligor may request a hearing before the circuit court rendering the order under
which the obligation arose. Within 10 days after receiving a request for hearing
under this subsection, the court shall set the matter for hearing. Pending further
order by the court or family court commissioner, the department of workforce
development or its designee, whichever is appropriate, is prohibited from disbursing
the obligor’s state tax refund or credit. The family court commissioner may conduct
the hearing. The sole issues at that hearing shall be whether the obligor owes the
amount certified and, if not and it is a support or maintenance order, whether the
money withheld from a tax refund or credit shall be paid to the obligor or held for
future support or maintenance. An obligor may, within 20 days of receiving notice
that the amount certified shall be withheld from his or her federal tax refund or
credit, request a hearing under this subsection.
Section 1844. 49.855 (4) of the statutes is amended to read:

49.855 (4) The department of revenue shall send that the portion of any state or federal tax refunds or credits withheld for delinquent child or family support or maintenance or past support, medical expenses, or birth expenses to the department of workforce development or its designee for distribution to the obligee deposit in the support collections trust fund under s. 25.68 and shall send the portion of any state or federal tax refunds or credits withheld for delinquent receiving and disbursing fees to the department of workforce development or its designee for deposit in the appropriation account under s. 20.445 (3) (ja). The department of workforce development shall make a settlement at least annually with the department of revenue. The settlement shall state the amounts certified, the amounts deducted from tax refunds and credits, and the administrative costs incurred by the department of revenue.

Section 1845. 49.855 (4m) (b) of the statutes is amended to read:

49.855 (4m) (b) The department of revenue may provide a certification that it receives under sub. (1), (2m), or (2p) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter, or ch. 46, 108, or 301. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under
the support or maintenance, or receiving and disbursing fee order or obligation, by
the outstanding amount for past support, medical expenses, or birth expenses under
the court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
provide that within 20 days after receipt of the notice the obligor may request a
hearing before the circuit court rendering the order under which the obligation arose.
An obligor may, within 20 days after receiving notice, request a hearing under this
paragraph. Within 10 days after receiving a request for hearing under this
paragraph, the court shall set the matter for hearing. The family court commissioner
may conduct the hearing. Pending further order by the court or family court
commissioner, the department of workforce development or its designee, whichever
is appropriate, may not disburse the payments withheld from the obligor. The sole
issues at the hearing are whether the obligor owes the amount certified and, if not
and it is a support or maintenance order, whether the money withheld shall be paid
to the obligor or held for future support or maintenance.

**SECTION 1846.** 49.855 (4m) (c) of the statutes is amended to read:

49.855 (4m) (c) Except as provided by order of the court after hearing under
par. (b), the department of administration shall continue withholding until the
amount certified is recovered in full. The department of administration shall
transfer the amounts withheld under this paragraph to the department of workforce
development or its designee, the department of health and family services, or the
department of corrections, whichever is appropriate. The department of workforce
development or its designee shall distribute deposit amounts withheld for
delinquent child or family support or maintenance, or receiving and disbursing fees
or past support, medical expenses, or birth expenses to the obligee in the
appropriation account under s. 20.445 (3) (kp).
**SECTION 1847.** 49.855 (7) of the statutes is amended to read:

49.855 (7) The department of workforce development may provide a certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.356 (6), 45.396 (6), 45.74 (6), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.83 (2) (a) 3., 234.90 (3) (d) or (3g) (c), 234.905 (3) (d), 281.65 (8) (L), or 949.08 (2) (g).

**SECTION 1848.** 50.01 (4r) of the statutes is amended to read:

50.01 (4r) “Plan of correction” means a nursing home’s an applicable entity’s response to alleged deficiencies cited by the department on forms provided by the department.

**SECTION 1849.** 50.02 (1) of the statutes is renumbered 50.02 (1m).

**SECTION 1850.** 50.02 (1d) of the statutes is created to read:

50.02 (1d) **DEFINITION.** In this section, “entity” means any of the following:

(a) A nursing home that is licensed under s. 50.03 (4) (a) 1. a.

(b) A community–based residential facility that is licensed under s. 50.03 (4) (a) 1. b.

(c) An adult family home that is licensed under s. 50.033.

(d) A residential care apartment complex that is certified under s. 50.034 (1) (a) or registered under s. 50.034 (1) (b).

(e) A hospital that is approved under s. 50.35.

(f) A home health agency that is licensed under s. 50.49 (6) (a).

(g) A rural medical center that is licensed under s. 50.52.

(h) A hospice that is licensed under s. 50.92.

**SECTION 1851.** 50.02 (2) (am) 2. of the statutes is amended to read:
50.02 (2) (am) 2. For the purposes of s. 50.033, establishing minimum
requirements for licensure, licensure application procedures and forms, standards
for operation and procedures for monitoring, and inspection, revocation and appeal
of revocation.

SECTION 1852. 50.02 (3g) (a) 1. to 8. of the statutes are created to read:

50.02 (3g) (a) 1. A nursing home, if the department finds that either a class “A”
violation, as specified in s. 50.04 (4) (b) 1., or a class “B” violation, as specified in s.
50.04 (4) (b) 2., by the nursing home continues to exist.

2. A community-based residential facility, if the department finds that a
violation by the community-based residential facility of an applicable provision of
s. 50.03, 50.035, 50.037, 50.05, 50.06, 50.065, 50.07, or 50.09, or of a rule promulgated
under an applicable provision of sub. (2) or (3) or s. 50.03, 50.035, 50.037, 50.05,
50.06, 50.065, 50.07, or 50.09, continues to exist.

3. A licensed adult family home, if the department finds that a violation by the
adult family home of s. 50.033 or 50.065 or of a rule promulgated under s. 50.02 (2)
(am) 2., 50.033, or 50.065 continues to exist.

4. A certified or registered residential care apartment complex, if the
department finds that a violation by the residential care apartment complex of s.
50.034 or 50.065 or of a rule promulgated under s. 50.034 or 50.065 continues to exist.

5. A hospital, if the department finds that a violation by the hospital of s.
50.065, 50.35, 50.355, or 50.36 (3) or (3m) or of a rule promulgated under s. 50.065,
50.35, 50.355, or 50.36 (3) or (3m) continues to exist.

6. A home health agency, if the department finds that a violation by the home
health agency of s. 50.065 or 50.49 or of a rule promulgated under s. 50.065 or 50.49
continues to exist.
7. A rural medical center, if the department finds that a violation by the rural medical center of s. 50.065, 50.53 (2), 50.535, or 50.54 (2) or of a rule promulgated under s. 50.065, 50.53 (2), 50.535, or 50.54 (2) continues to exist.

8. A hospice, if the department finds that a violation by the hospice of s. 50.065, 50.92, 50.93 (1) to (3m), or 50.95 or of a rule promulgated under s. 50.065, 50.92, 50.93 (1) to (3m), or 50.95 continues to exist.

 SECTION 1853. 50.03 (2) (d) of the statutes is amended to read:

50.03 (2) (d) Any holder of a license or applicant for a license shall be deemed to have given consent to any authorized officer, employee or agent of the department to enter and inspect the facility in accordance with this subsection. Refusal to permit such entry or inspection shall constitute grounds for initial licensure license denial, as provided in sub. (4), or suspension or revocation of a license, as provided in sub. (5) s. 50.02 (3m) (bm).

 SECTION 1854. 50.03 (3) (f) of the statutes is amended to read:

50.03 (3) (f) Community–based residential facilities shall report all formal complaints regarding their operation filed under sub. (2) (f) and the disposition of each when reporting under sub. (4) (c) 1. 2m.

 SECTION 1855. 50.03 (4) (a) 1. b. of the statutes is amended to read:

50.03 (4) (a) 1. b. Except as provided in sub. (4m) (b), the department shall issue a license for a community–based residential facility if it finds the applicant to be fit and qualified, if it finds that the community–based residential facility meets the requirements established by this subchapter and if the community–based residential facility has paid the license fee under s. 50.037 (2) (a). In determining whether to issue a license for a community–based residential facility, the department may consider any action by the applicant or by an employee of the applicant that
constitutes a substantial failure by the applicant or employee to protect and promote
the health, safety or welfare of a resident. The department may deny licensure to
or revoke licensure for any person who conducted, maintained, operated or permitted
to be maintained or operated a community-based residential facility for which
licensure was revoked. The department, or its designee, shall make such inspections
and investigations as are necessary to determine the conditions existing in each case
and shall file written reports. In reviewing the report of a community-based
residential facility that is required to be submitted under par. (c) 1., the
department shall consider all complaints filed under sub. (2) (f) since initial license
issuance or since the last review, whichever is later, and the disposition of each. The
department shall promulgate rules defining “fit and qualified” for the purposes of
this subd. 1. b.

SECTION 1856. 50.03 (4) (c) 1. of the statutes is amended to read:

50.03 (4) (c) 1. A community-based residential facility license is valid until it
is revoked or suspended under this section s. 50.02 (3m) (bm).

2m. Every 24 months, on a schedule determined by the department, a
community-based residential facility licensee shall submit a biennial report in the
form and containing the information that the department requires, including
payment of the fees required under s. 50.037 (2) (a). If a complete biennial report is
not timely filed, the department shall issue a warning to the licensee. The
department may revoke a community-based residential facility license for failure to
timely and completely report within 60 days after the report date established under
the schedule determined by the department.

SECTION 1857. 50.03 (4) (c) 2. of the statutes is renumbered 50.03 (4) (cm) 1.
and amended to read:
50.03 (4) (cm) 1. A nursing home license is valid until it is revoked or suspended under this section s. 50.02 (3m) (bm).

2. Every 12 months, on a schedule determined by the department, a nursing home licensee shall submit a report in the form and containing the information that the department requires, including payment of the fee required under s. 50.135 (2) (a). If a complete report is not timely filed, the department shall issue a warning to the licensee. The department may revoke a nursing home license for failure to timely and completely report within 60 days after the report date established under the schedule determined by the department.

**SECTION 1858.** 50.03 (4) (c) 3. of the statutes is created to read:

50.03 (4) (c) 3. A community−based residential facility that is in substantial noncompliance with a federal statute or regulation or with an applicable provision of this chapter shall demonstrate, including by providing financial or other information requested by the department, that the community−based residential facility continues to be fit and qualified, as defined by the department by rule under par. (a) 1. a., to operate. The department shall promulgate rules defining “substantial noncompliance” for the purposes of this subdivision.

**SECTION 1859.** 50.03 (4) (cm) 3. of the statutes is created to read:

50.03 (4) (cm) 3. A nursing home that is in substantial noncompliance with a federal statute or regulation or with an applicable provision of this chapter shall demonstrate, including by providing financial or other information requested by the department, that the nursing home continues to be fit and qualified, as defined by the department by rule under par. (a) 1. b., to operate. The department shall promulgate rules defining “substantial noncompliance” for the purposes of this subdivision.
SECTION 1860. 50.03 (5) of the statutes is repealed.

SECTION 1861. 50.03 (5g) (title) of the statutes is renumbered 50.02 (3m) (title) and amended to read:

50.02 (3m) (title) SANCTIONS AND PENALTIES FOR COMMUNITY-BASED RESIDENTIAL FACILITIES.

SECTION 1862. 50.03 (5g) (a) of the statutes is repealed.

SECTION 1863. 50.03 (5g) (b) of the statutes is renumbered 50.02 (3m) (a) and amended to read:

50.02 (3m) (a) Except as provided in s. 50.04 (4) and (5), if, based on an investigation made by the department, the department provides to a community-based residential facility any of the following entities written notice of the grounds for a sanction, an explanation of the types of sanctions and penalties that the department may impose under this subsection, and an explanation of the process for appealing a sanction or penalty imposed under this subsection, the department may order any of the following applicable sanctions:

1. That a person stop conducting, maintaining or operating the community-based residential facility an entity under sub. (1d) (b), (e), or (f) if the community-based residential facility entity is without a valid license or probationary license in violation of sub. (1), or approval, probationary license, or conditional license or approval.

2. That, within 30 days after the date of the order, the community-based residential facility under this subdivision, an entity under sub. (1d) (b), (e), or (f) terminate the employment of any employed person who conducted, maintained, operated or permitted to be maintained or operated a community-based residential facility an entity for which licensure or approval or conditional licensure or approval
was revoked before issuance of the department’s order. This subdivision includes employment of a person in any capacity, whether as an officer, director, agent, or employee of the community-based residential facility entity.

3. That a licensee an entity under sub. (1d) (b), (e), or (f) stop violating any provision of licensure or approval or conditional licensure or approval applicable to a community-based residential facility under sub. (4) or (4m) the entity under this chapter or of rules relating to community-based residential facilities the entity promulgated by the department under sub. (4) or (4m) this chapter.

4. That a licensee an entity under sub. (1d) (b), (e), or (f) submit a plan of correction for violation of any provision of licensure or approval or conditional licensure or approval applicable to a community-based residential facility under sub. (4) or (4m) the entity under this chapter or of a rule relating to community-based residential facilities the entity promulgated by the department under sub. (4) or (4m) this chapter.

5. That a licensee an entity under sub. (1d) (b) implement and comply with a plan of correction previously submitted by the licensee entity and approved by the department.

6. That a licensee an entity under sub. (1d) (b) implement and comply with a plan of correction for the entity that is developed by the department.

7. That a licensee an entity under sub. (1d) (a), (b), or (e) accept no additional residents or patients until all violations are corrected.

8. That a licensee an entity under sub. (1d) (b), (e), or (f) provide training in one or more specific areas for all of the licensee’s entity’s staff or for specific staff members.
SECTION 1864. 50.03 (5g) (c) (intro.) and 1. of the statutes are renumbered 50.02 (3m) (b) 1. and 2., and 50.02 (3m) (b) 1. and 2. (intro.), a. and c., as renumbered, are amended to read:

50.02 (3m) (b) 1. If the department provides to a community-based residential facility an entity under sub. (1d) (a), (b), (c), (d), (e), (f), (g), or (h) written notice of the a penalty, the grounds for a sanction or the penalty, an explanation of the types of sanctions or penalties that the department may impose under this subsection, and an explanation of the process for appealing a sanction or penalty imposed under this subsection, the department may impose any of the following a forfeiture against a licensee an entity under sub. (1d) (b), (c), (d), (e), (f), (g), or (h) or other person who violates the applicable provisions of this section chapter or rules promulgated under the applicable provisions of this section chapter or against an entity under sub. (1d) (a), (b), (e), or (f), who fails to comply with an applicable order issued under par. (b) (a) by the time specified in the order;

2. (intro.) For a forfeiture specified under subd. 1., the department shall impose a daily forfeiture amount per violation of not less than $10 nor more than $1,000 $2,000 for each violation, with each day of violation constituting a separate offense. All of the following apply to a forfeiture under this subdivision:

a. Within the limits specified in this subdivision, the department may, by rule, set daily forfeiture amounts and payment deadlines based on the size and type of community-based residential facility of the entity and, for a community-based residential facility, the type of community-based residential facility, and the seriousness of the violation. The department may set daily forfeiture amounts that increase periodically within the statutory limits if there is continued failure to comply with an order issued under par. (b) (a).
c. All forfeitures shall be paid An entity assessed a forfeiture shall pay the forfeiture to the department within 10 days after receipt of notice of assessment or, if the forfeiture is contested under par. (f) (e), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under s. 50.03 (11) sub. (3r). The department shall remit all forfeitures paid under this subdivision to the state treasurer for deposit in the school fund.

**SECTION 1865.** 50.03 (5g) (c) 2. of the statutes is repealed.

**SECTION 1866.** 50.03 (5g) (c) 3. of the statutes is renumbered 50.02 (3m) (bm) and amended to read:

50.02 (3m) (bm) **Revocation** If the department provides to an entity written notice of revocation, the grounds for the revocation, an explanation of the types of sanctions or penalties that the department may impose under this subsection and an explanation of the process for appealing a sanction or penalty imposed under this subsection, the department may impose revocation of licensure, certification, approval, or registration or conditional licensure, certification, approval, or registration as specified in pars. (d) to (g) (c) to (f).

**SECTION 1867.** 50.03 (5g) (d) of the statutes is renumbered 50.02 (3m) (c) and amended to read:

50.02 (3m) (c) Under the procedure specified in par. (e) (d), the department shall revoke approval of a hospital that fails to comply with s. 165.40 (6) (a) 1. or 2. and may revoke a license, certification, approval, or registration or conditional license, certification, approval, or registration for a licensee or an entity for any of the following reasons:
1. The department has imposed a sanction or penalty on the licensee entity under par. (e) or (b) and the licensee entity continues to violate or resumes violation of an applicable provision of licensure under sub. (4) or (4m), certification, approval, or registration or conditional licensure, certification, approval, or registration, a rule relating to the entity promulgated under this subchapter or an order issued under par. (b) or (a) that forms any part of the basis for the sanction or penalty.

2. The licensee entity or a person under the supervision of the licensee entity has substantially violated a provision of licensure, certification, approval, or registration or conditional licensure, certification, approval, or registration applicable to a community-based residential facility under sub. (4) or (4m) the entity, a rule relating to community-based residential facilities the entity promulgated under this subchapter or an order issued under par. (b) or (a).

3. The licensee entity or a person under the supervision of the licensee entity has acted in relation to or has created a condition relating to the operation or maintenance of the community-based residential facility entity that directly threatens the health, safety, or welfare of a resident of the community-based residential facility or patient of the entity.

4. The licensee entity or a person under the supervision of the licensee entity has repeatedly violated the same or similar provisions of licensure under sub. (4) or (4m), certification, approval, or registration or conditional licensure, certification, approval, or registration applicable to the entity, rules relating to the entity promulgated under this subchapter or orders issued under par. (b) or (a).

**Section 1868.** 50.03 (5g) (e) of the statutes is renumbered 50.02 (3m) (d) and amended to read:
50.02 (3m) (d) 1. The department may revoke a license, certification, approval, or registration or conditional license, certification, approval, or registration of an entity for the reason specified in par. (d) (c) 1., 2., 3., or 4. if the department provides the licensee with written notice of revocation, the grounds for the revocation and an explanation of the process for appealing the revocation, complies with par. (bm) at least 30 days before the date of revocation. The department may revoke the license, certification, approval, or registration or conditional license, certification, approval, or registration only if the violation remains substantially uncorrected on the date of revocation or license expiration of the license, certification, approval, or registration or conditional license, certification, approval, or registration.

2. The department shall revoke approval for a hospital that fails to comply with s. 165.40 (6) (a) 1. or 2. and may revoke a license, certification, approval, or registration or conditional license, certification, approval, or registration for a licensee an entity for the reason specified in par. (d) (c) 2. or 3. immediately if the department provides the licensee with written notice of revocation, the grounds for the revocation and an explanation of the process for appealing the revocation complies with par. (bm).

3. The department may deny a license, certification, approval, or registration or conditional license, certification, approval, or registration for a licensee an entity whose license, certification, approval, or registration or conditional license, certification, approval, or registration was revoked under this paragraph.

Section 1869. 50.03 (5g) (f) of the statutes is renumbered 50.02 (3m) (e) and amended to read:
50.02 (3m) (e) If a community-based residential facility an entity desires to contest the revocation of a license, certification, approval, or registration or to contest the imposing imposition of a sanction or penalty, including an assessment of forfeiture, under this subsection, or the issuance or terms of a conditional license, certification, approval, or registration under sub. (3g), the community-based residential facility entity shall, within 10 days after receipt of notice under par. (e) (a), (b), or (bm), notify the department in writing of its request for a hearing under s. 227.44. The department shall hold the hearing a prehearing conference within 30 days after receipt of such the notice and shall send notice to the community-based residential facility entity of the a hearing as provided under s. 227.44 (2). This paragraph does not apply to the issuance of a notice of violation or the requirement to submit a plan of correction.

**SECTION 1870.** 50.03 (5g) (g) 1. and 3. of the statutes are renumbered 50.02 (3m) (f) 1. and 2. and amended to read:

50.02 (3m) (f) 1. Subject to s. 227.51 (3), revocation shall become effective on the date set by the department in the notice of revocation, or upon final action after hearing under ch. 227, or after court action if a stay is granted under sub. (11) (3r), whichever is later.

2. The department may extend the effective date of revocation of a license, certification, approval, or registration or conditional license, certification, approval, or registration in any case in order to permit orderly removal and relocation of residents or patients.

**SECTION 1871.** 50.03 (5m) (a) 2. of the statutes is amended to read:

50.03 (5m) (a) 2. The department has suspended or revoked the existing license of the facility as provided under sub. (5) s. 50.02 (3m) (bm).
SECTION 1872. 50.03 (5m) (a) 3. of the statutes is amended to read:

50.03 (5m) (a) 3. The department has initiated revocation procedures under sub. (5) and has determined that the lives, health, safety, or welfare of the resident cannot be adequately assured pending a full hearing on license revocation under sub. (5) s. 50.02 (3m) (bm).

SECTION 1873. 50.03 (11) of the statutes is renumbered 50.02 (3r) and amended to read:

50.02 (3r) JUDICIAL REVIEW. (a) All administrative remedies shall be exhausted before an agency determination under this subchapter shall be chapter is subject to judicial review. Final decisions after hearing shall be are subject to judicial review exclusively as provided in s. 227.52, except that an entity shall file any petition for review of department action under this chapter shall be filed within 15 days after receipt of notice of the final agency determination.

(b) The court may stay enforcement under s. 227.54 of the department's agency's final decision if a showing is made that there is a substantial probability that the party seeking review will prevail on the merits and will suffer irreparable harm if a stay is not granted, and that the facility entity will meet the applicable requirements of this subchapter chapter and the rules promulgated under this subchapter chapter during such the stay. Where If a stay is granted, the court may impose such conditions on the granting of the stay as may be necessary to safeguard the lives, health, rights, safety, and welfare of residents or patients, and to assure compliance by the facility entity with the requirements of this subchapter chapter.

(d) The attorney general may delegate to the department the authority to represent the state in any action brought to challenge department decisions actions...
prior to exhaustion of administrative remedies and final disposition by the department agency.

**SECTION 1874.** 50.03 (13) (a) of the statutes is amended to read:

50.03 (13) (a) *New license.* Whenever ownership of a facility is transferred from the person or persons named in the license to any other person or persons, the transferee must obtain a new license. The license may be a probationary license. Penalties under sub. (1) shall apply to violations of this subsection. The transferee shall notify the department of the transfer, file an application under sub. (3) (b), and apply for a new license at least 30 days prior to final transfer. Retention of any interest required to be disclosed under sub. (3) (b) after transfer by any person who held such an interest prior to transfer may constitute grounds for denial of a license where violations of this subchapter for which notice had been given to the transferor are outstanding and uncorrected, if the department determines that effective control over operation of the facility has not been transferred. If the transferor was a provider under s. 49.43 (10), the transferee and transferor shall comply with s. 49.45 (21).

**SECTION 1875.** 50.03 (13) (c) of the statutes is amended to read:

50.03 (13) (c) *Outstanding violations.* Violations reported in departmental inspection reports prior to the transfer of ownership shall be corrected, with corrections verified by departmental survey, prior to the issuance of a full regular license to the transferee. The license granted to the transferee shall be subject to the plan of correction submitted by the previous owner and approved by the department and any conditions contained in a conditional license issued to the previous owner. In the case of a nursing home, if there are outstanding violations and no approved
plan of correction has been implemented, the department may issue a conditional license and plan of correction as provided in s. 50.04 (6) 50.02 (3g).

SECTION 1876. 50.033 (2) of the statutes is amended to read:

50.033 (2) REGULATION. Standards for operation of licensed adult family homes and procedures for application for licensure, monitoring, and inspection, revocation and appeal of revocation under this section shall be under rules promulgated by the department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until revoked under this section s. 50.02 (3m) (bm). Licensure is not transferable. The biennial licensure fee for a licensed adult family home is $135. The fee is payable to the county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family home under sub. (1m) (b), and is payable to the department, on a schedule determined by the department if the department licenses the adult family home under sub. (1m) (b).

SECTION 1877. 50.033 (2r) of the statutes is amended to read:

50.033 (2r) PROVISION OF INFORMATION REQUIRED. Subject to sub. (2t), an adult family home shall, within the time period after inquiry by a prospective resident that is prescribed by the department by rule, inform the prospective resident of the services of a resource center under s. 46.283, the family care benefit under s. 46.286 and the availability of a functional screening and financial screening eligibility and cost-sharing screening to determine the prospective resident’s eligibility for the family care benefit under s. 46.286 (1).

SECTION 1878. 50.033 (2s) (intro.) of the statutes is amended to read:

50.033 (2s) REQUIRED REFERRAL. (intro.) Subject to sub. (2t), an adult family home shall, within the time period prescribed by the department by rule, refer to a resource center under s. 46.283 a person who is seeking admission, who is at least
65 years of age or has developmental disability or a physical disability and whose
disability or condition is expected to last at least 90 days, unless any of the following applies:

SECTION 1879. 50.033 (2s) (a) of the statutes is amended to read:

50.033 (2s) (a) For a person who has received a screen screening for functional eligibility under s. 46.286 (1) (a) within the previous 6 months, the referral under this subsection need not include performance of an additional functional screen screening under s. 46.283 (4) (g) (3m) (c).

SECTION 1880. 50.033 (2s) (d) of the statutes is amended to read:

50.033 (2s) (d) For a person who seeks admission or is about to be admitted on a private pay basis and who waives the requirement for a financial screen eligibility and cost-sharing screening under s. 46.283 (4) (g) (3m) (c), the referral under this subsection may not include performance of a financial screen eligibility and cost-sharing screening under s. 46.283 (4) (g) (3m) (c), unless the person is expected to become eligible for medical assistance within 6 months.

SECTION 1881. 50.033 (2t) of the statutes is amended to read:

50.033 (2t) APPLICABILITY. Subsections (2r) and (2s) apply only if the secretary has certified under s. 46.281 (3) (a) that a resource center is available for the adult family home and for specified groups of eligible individuals that include those persons seeking admission to or the residents of the adult family home.

SECTION 1882. 50.033 (4) of the statutes is repealed.

SECTION 1883. 50.034 (2) (f) of the statutes is amended to read:

50.034 (2) (f) Establishing standards and procedures for appeals of revocations of certification or refusal to issue or renew certification.

SECTION 1884. 50.034 (5g) of the statutes is created to read:
50.034 (5g) INFORMATION TO PROSPECTIVE RESIDENTS. Except in a county in which
subs. (5m) and (5n) are applicable, as specified in sub. (5p), a residential care
apartment complex shall inform a prospective resident of the services of the county
aging unit and an entity specified under s. 46.27 (3) (b) 1. to 6. or (3m) that is
designated to administer the program under s. 46.27 and conditions for eligibility for
public funding for long-term care services.

SECTION 1885. 50.034 (5m) of the statutes is amended to read:

50.034 (5m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), a
residential care apartment complex shall, within the time period after inquiry by a
prospective resident that is prescribed by the department by rule, inform the
prospective resident of the services of a resource center under s. 46.283, the family
care benefit under s. 46.286 and the availability of a functional screening and
financial screening eligibility and cost-sharing screening to determine the prospective
resident’s eligibility for the family care benefit under s. 46.286 (1).

SECTION 1886. 50.034 (5n) (intro.) of the statutes is amended to read:

50.034 (5n) REQUIRED REFERRAL. (intro.) Subject to sub. (5p), a residential care
apartment complex shall, within the time period prescribed by the department by
rule, refer to a resource center under s. 46.283 a person who is seeking admission,
who is at least 65 years of age or has developmental disability or a physical disability
and whose disability or condition is expected to last at least 90 days, unless any of
the following applies:

SECTION 1887. 50.034 (5n) (a) of the statutes is amended to read:

50.034 (5n) (a) For a person who has received a screening for functional
eligibility under s. 46.286 (1) (a) within the previous 6 months, the referral under this
subsection need not include performance of an additional functional screen
screening under s. 46.283 (4) (g) (3m) (c).

SECTION 1888. 50.034 (5n) (d) of the statutes is amended to read:

50.034 (5n) (d) For a person who seeks admission or is about to be admitted on
a private pay basis and who waives the requirement for a financial screen eligibility
and cost-sharing screening under s. 46.283 (4) (g) (3m) (c), the referral under this
subsection may not include performance of a financial screen eligibility and
cost-sharing screening under s. 46.283 (4) (g) (3m) (c), unless the person is expected
to become eligible for medical assistance within 6 months.

SECTION 1889. 50.034 (5p) of the statutes is amended to read:

50.034 (5p) Applicability. Subsections (5m) and (5n) apply only if the secretary
has certified under s. 46.281 (3) (a) that a resource center is available for the
residential care apartment complex and for specified groups of eligible individuals
that include those persons seeking admission to or the residents of the residential
care apartment complex.

SECTION 1890. 50.034 (7) of the statutes is repealed.

SECTION 1891. 50.034 (8) of the statutes, as affected by 2001 Wisconsin Act ....
(this act), is repealed.

SECTION 1892. 50.034 (8) (a) of the statutes is amended to read:

50.034 (8) (a) Whoever violates sub. (5g), (5m), or (5n) or rules promulgated
under sub. (5g), (5m), or (5n) may be required to forfeit not more than $500 for each
violation.

SECTION 1893. 50.035 (4m) of the statutes is amended to read:

50.035 (4m) Provision of information required. Subject to sub. (4p), a
community-based residential facility shall, within the time period after inquiry by
a prospective resident that is prescribed by the department by rule, inform the
prospective resident of the services of a resource center under s. 46.283, the family
care benefit under s. 46.286 and the availability of a functional screening and
financial screening eligibility and cost-sharing screening to determine the prospective
resident's eligibility for the family care benefit under s. 46.286 (1).

**SECTION 1894.** 50.035 (4n) (intro.) of the statutes is amended to read:

50.035 (4n) REQUIRED REFERRAL (intro.) Subject to sub. (4p), a
community-based residential facility shall, within the time period prescribed by the
department by rule, refer to a resource center under s. 46.283 a person who is seeking
admission, who is at least 65 years of age or has developmental disability or a
physical disability and whose disability or condition is expected to last at least 90
days, unless any of the following applies:

**SECTION 1895.** 50.035 (4n) (a) of the statutes is amended to read:

50.035 (4n) (a) For a person who has received a screening for functional
eligibility under s. 46.286 (1) (a) within the previous 6 months, the referral under this
subsection need not include performance of an additional functional screening under s. 46.283 (4) (g) (3m) (c).

**SECTION 1896.** 50.035 (4n) (d) of the statutes is amended to read:

50.035 (4n) (d) For a person who seeks admission or is about to be admitted on
a private pay basis and who waives the requirement for a financial screening eligibility
and cost-sharing screening under s. 46.283 (4) (g) (3m) (c), the referral under this
subsection may not include performance of a financial screening eligibility and
cost-sharing screening under s. 46.283 (4) (g) (3m) (c), unless the person is expected
to become eligible for medical assistance within 6 months.

**SECTION 1897.** 50.035 (4p) of the statutes is amended to read:
50.035 (4p) **APPLICABILITY.** Subsections (4m) and (4n) apply only if the secretary has certified under s. 46.281 (3) (a) that a resource center is available for the community-based residential facility and for specified groups of eligible individuals that include those persons seeking admission to or the residents of the community-based residential facility.

**SECTION 1898.** 50.035 (9) (title) of the statutes is amended to read:

> 50.035 (9) **(title)** NOTIFICATION TO PROSPECTIVE RESIDENTS OF ASSESSMENT REQUIREMENT; REFERRAL.

**SECTION 1899.** 50.035 (9) of the statutes is renumbered 50.035 (9) (a).

**SECTION 1900.** 50.035 (9) (b) of the statutes is created to read:

> 50.035 (9) (b) Except in a county in which subs. (4m) and (4n) are applicable, as specified in sub. (4p), a community-based residential facility shall refer a person who is seeking admission to an entity specified under s. 46.27 (3) (b) 1. to 6. or (3m) that is designated to administer the program under s. 46.27.

**SECTION 1901.** 50.035 (11) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is repealed.

**SECTION 1902.** 50.035 (11) (a) of the statutes is amended to read:

> 50.035 (11) (a) Whoever violates sub. (4m) or (4n), or (9) (b) or rules promulgated under sub. (4m) or (4n), or (9) (b) may be required to forfeit not more than $500 for each violation.

**SECTION 1903.** 50.04 (2g) (a) of the statutes is amended to read:

> 50.04 (2g) (a) Subject to sub. (2i), a nursing home shall, within the time period after inquiry by a prospective resident that is prescribed by the department by rule, inform the prospective resident of the services of a resource center under s. 46.283, the family care benefit under s. 46.286 and the availability of a functional screening
and financial screen eligibility and cost-sharing screening to determine the prospective resident’s eligibility for the family care benefit under s. 46.286 (1).

**SECTION 1904.** 50.04 (2h) (a) 1. of the statutes is amended to read:

50.04 (2h) (a) 1. For a person who has received a screen screening for functional eligibility under s. 46.286 (1) (a) within the previous 6 months, the referral under this paragraph need not include performance of an additional functional screen screening under s. 46.283 (4) (g) (3m) (c).

**SECTION 1905.** 50.04 (2h) (a) 4. of the statutes is amended to read:

50.04 (2h) (a) 4. For a person who seeks admission or is about to be admitted on a private pay basis and who waives the requirement for a financial screen eligibility and cost-sharing screening under s. 46.283 (4) (g) (3m) (c), the referral under this subsection may not include performance of a financial screen eligibility and cost-sharing screening under s. 46.283 (4) (g) (3m) (c), unless the person expected to become eligible for medical assistance within 6 months.

**SECTION 1906.** 50.04 (2i) of the statutes is amended to read:

50.04 (2i) Applicability. Subsections (2g) and (2h) apply only if the secretary has certified under s. 46.281 (3) (a) that a resource center is available for the nursing home and for specified groups of eligible individuals that include those persons seeking admission to or the residents of the nursing home.

**SECTION 1907.** 50.04 (2m) (b) of the statutes is amended to read:

50.04 (2m) (b) Paragraph (a) does not apply to those residents for whom the secretary has certified under s. 46.281 (3) (a) that a resource center is available.

**SECTION 1908.** 50.04 (4) (d) of the statutes is repealed.

**SECTION 1909.** 50.04 (4) (e) 3. of the statutes is amended to read:
50.04 (4) (e) 3. In any petition for judicial review under s. 50.02 (3r) of a decision by the division under subd. 2., the department, if not the petitioner who was in the proceeding before the division under subd. 1., shall be the named respondent.

SECTION 1910. 50.04 (5) (e) of the statutes is amended to read:

50.04 (5) (e) Forfeiture appeal hearing. A nursing home may contest an assessment of forfeiture by sending, within 10 days after receipt of notice of a contested action, a written request for hearing under s. 227.44 to the division of hearings and appeals created under s. 15.103 (1). The administrator of the division may designate a hearing examiner to preside over the case and recommend a decision to the administrator under s. 227.46. The decision of the administrator of the division shall be the final administrative decision. The division shall commence the hearing within 30 days of receipt of the request for hearing and shall issue a final decision within 15 days after the close of the hearing. Proceedings before the division are governed by ch. 227. In any petition for judicial review under s. 50.02 (3r) of a decision by the division, the party, other than the petitioner, who was in the proceeding before the division shall be the named respondent.

SECTION 1911. 50.04 (5) (f) of the statutes is amended to read:

50.04 (5) (f) Forfeitures paid within 10 days. All forfeitures shall be paid to the department within 10 days of receipt of notice of assessment or, if the forfeiture is contested under par. (e), within 10 days of receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under s. 50.03 (11) 50.02 (3r). The department shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

SECTION 1912. 50.04 (6) (title) of the statutes is renumbered 50.02 (3g) (title) and amended to read:
50.02 (3g) (title) **CONDITIONAL LICENSE, CERTIFICATION, APPROVAL, OR REGISTRATION.**

**SECTION 1913.** 50.04 (6) (a) of the statutes is renumbered 50.02 (3g) (a) (intro.) and amended to read:

50.02 (3g) (a) **Power of department.** (intro.) In addition to the right to assess forfeitures under sub. (5), the department may, in addition to assessing forfeitures under sub. (3m) (b), issue a conditional license, certification, approval, or registration, as applicable, to any nursing home if the department finds that either a class “A” or class “B” violation, as defined in sub. (4), continues to exist in such home, under the following conditions:

(b) The issuance of a conditional license shall revoke certification, approval, or registration to an entity revokes any outstanding license held by the nursing home. The nursing home may seek review of a decision to issue a conditional license as provided under s. 50.03 (5), certification, approval, or registration held under this chapter by the entity.

**SECTION 1914.** 50.04 (6) (b) of the statutes is renumbered 50.02 (3g) (c) and amended to read:

50.02 (3g) (c) **Violation correction plan.** Prior to the issuance of a conditional license, certification, approval, or registration, the department shall establish a written plan of correction. The plan shall specify the violations which prevent full licensure, certification, approval, or registration and shall establish a time schedule for correction of the deficiencies. Retention of the conditional license, certification, approval, or registration by an entity shall be conditional on the entity’s meeting the requirements of the plan of correction.
SECTION 1915. 50.04 (6) (c) of the statutes is renumbered 50.02 (3g) (d) and amended to read:

50.02 (3g) (d) Notice. The department shall send to an entity written notice of the decision to issue a conditional license, certification, approval, or registration, together with the proposed plan of correction. The notice shall inform the facility entity of its right to a case conference under par. (e) prior to issuance of the conditional license, certification, approval, or registration and of its right under par. (f) to a full hearing under par. (e).

SECTION 1916. 50.04 (6) (d) of the statutes is renumbered 50.02 (3g) (e) and amended to read:

50.02 (3g) (e) Case conference. If the facility entity desires to have a case conference it shall, within 4 working days of receipt of the notice under par. (d), send a written request for a case conference to the department. The department shall, within 4 working days from the receipt of the request, hold a case conference in the county in which the facility entity is located. Following this conference the department may affirm or overrule its previous decision, or modify the terms of the conditional license, certification, approval, or registration and plan of correction. The conditional license may be issued department may issue the conditional license, certification, approval, or registration after the case conference, or after the time for requesting a case conference has expired, prior to any further hearing.

SECTION 1917. 50.04 (6) (e) of the statutes is renumbered 50.02 (3g) (f) and amended to read:

50.02 (3g) (f) Hearing. If after the case conference the licensee entity desires to contest the basis for issuance of a conditional license, certification, approval, or registration or the terms of the license conditional license, certification, approval, or registration.
registration or plan of correction, the licensee shall send a written request for
hearing to the department within 4 working days after issuance of the conditional
license. The department shall hold the hearing within 30 days of receipt of such
notice and shall immediately notify the licensee of the date and location of the
hearing entity is entitled to a hearing under sub. (3m) (e).

SECTION 1918. 50.04 (6) (f) of the statutes is renumbered 50.02 (3g) (g) and
amended to read:

50.02 (3g) (g) Term; inspection. A conditional license shall be issued The
department may issue a conditional license, certification, approval, or registration
for a period specified by the department, but in no event for more than one year 12
months. The department shall periodically inspect any nursing home entity that is
operating under a conditional license, certification, approval, or registration. If the
department finds substantial failure by the nursing home entity to follow the plan
of correction, the conditional license may be revoked department may revoke the
conditional license, certification, approval, or registration as provided under s. 50.03
(5) sub. (3m) (bm). The licensee entity is entitled to a hearing under sub. (3m) (e) on
the revocation under s. 50.03 (5), but the department may rely on facts found in a
hearing under par. (e) (f) as grounds for revocation.

SECTION 1919. 50.04 (6) (g) of the statutes is renumbered 50.02 (3g) (h) and
amended to read:

50.02 (3g) (h) Expiration. If the department determines that a the conditional
license, certification, approval, or registration of an entity shall expire without
renewal or replacement of the conditional license, certification, approval, or
registration by a regular license, certification, approval, or registration, the
department shall so notify the licensee entity at least 30 days prior to expiration of
the conditional license, certification, approval, or registration. The notice shall comply with notice requirements under s. 50.03 (5) be written, shall state the grounds for the expiration without renewal or replacement and shall explain the process for appealing the expiration without renewal or replacement. The licensee is entitled to a hearing under s. 50.03 (5) sub. (3m) (e) prior to expiration of the license conditional license, certification, approval, or registration.

SECTION 1920. 50.05 (2) (b) of the statutes is amended to read:

50.05 (2) (b) The department has suspended or revoked the existing license of the facility.

SECTION 1921. 50.05 (2) (c) of the statutes is amended to read:

50.05 (2) (c) The department has initiated revocation procedures under s. 50.03 (5) 50.02 (3m) (bm) and has determined that the lives, health, safety, or welfare of the residents cannot be adequately assured pending a full hearing on license revocation.

SECTION 1922. 50.053 of the statutes is renumbered 50.02 (3m) (em) and amended to read:

50.02 (3m) (em) Case conference. The department may hold a case conference with the parties to any contested action under this subchapter chapter to resolve any or all issues prior to formal hearing. Unless any party to the contested case objects, the department may delay the commencement of the formal hearing in order to hold the case conference.

SECTION 1923. 50.06 (7) of the statutes is amended to read:

50.06 (7) An individual who consents to an admission under this section may request that an assessment be conducted for the incapacitated individual under the long-term support community options program under s. 46.27 (6) or, if the secretary
has certified under s. 46.281 (3) (a) that a resource center is available for the individual, a functional screening and financial screen eligibility and cost-sharing screening to determine eligibility for the family care benefit under s. 46.286 (1). If admission is sought on behalf of the incapacitated individual or if the incapacitated individual is about to be admitted on a private pay basis, the individual who consents to the admission may waive the requirement for a financial screen eligibility and cost-sharing screening under s. 46.283 (4) (g) (3m) (c), unless the incapacitated individual is expected to become eligible for medical assistance within 6 months.

Section 1924. 50.09 (6) (d) of the statutes is amended to read:

50.09 (6) (d) The facility shall attach a statement, which summarizes complaints or allegations of violations of rights established under this section, to the report required under s. 50.03 (4) (c) 1. or 2. 2m. or (cm) 2. The statement shall contain the date of the complaint or allegation, the name of the persons involved, the disposition of the matter and the date of disposition. The department shall consider the statement in reviewing the report.

Section 1925. 50.14 (6) of the statutes is repealed.

Section 1926. 50.35 of the statutes is amended to read:

50.35 Application and approval. Application for approval to maintain a hospital shall be made to the department on forms provided by the department. On receipt of an application, the department shall, except as provided in s. 50.498, issue a certificate of approval if the applicant and hospital facilities meet the requirements established by the department. Except as provided in s. 50.498, this approval shall be in effect until, for just cause and in the manner herein prescribed, it is suspended or revoked. The certificate of approval may be issued only for the premises and persons or governmental unit named in the application and is not transferable or
Section 1926. The department shall withhold, suspend or revoke approval for a failure to comply with s. 165.40 (6) (a) 1. or 2., but, except as provided in s. 50.498, otherwise may not withhold, suspend or revoke approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or the rules and standards adopted by the department after giving a reasonable notice, a fair hearing and a reasonable opportunity to comply. Failure by a hospital to comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply under this section.

Section 1927. 50.36 (2) (c) of the statutes is amended to read:

50.36 (2) (c) The department shall promulgate rules that require that a hospital, before discharging a patient who is aged 65 or older or who has developmental disability or physical disability and whose disability or condition requires long-term care that is expected to last at least 90 days, refer the patient to the A hospital shall participate in developing and implementing plans required under s. 46.283 (4) (j) for making appropriate referrals of persons likely to be eligible for and to benefit from the family care benefit under s. 46.286 to a resource center under s. 46.283. The rules shall specify that this requirement applies only if the secretary has certified under s. 46.281 (3) (a) that a resource center is available for the hospital and for specified groups of eligible individuals that include persons seeking admission to or patients of the hospital.

Section 1928. 50.37 (1) of the statutes is amended to read:

50.37 (1) Suspended or revoked Revoked the hospital’s approval under s. 50.02 (3m) (bm).

Section 1929. 50.38 of the statutes is repealed.

Section 1930. 50.49 (6) (b) of the statutes is amended to read:
50.49 (6) (b) A home health agency license is valid until suspended or revoked, except as provided in s. 50.498.

**SECTION 1931.** 50.49 (6m) (a) of the statutes is amended to read:

50.49 (6m) (a) A care management organization, as defined in s. 46.2805 (1), or an entity with which a care management organization contracts under s. 46.284 (4) (d).

**SECTION 1932.** 50.49 (7) of the statutes is repealed.

**SECTION 1933.** 50.49 (9) of the statutes is repealed.

**SECTION 1934.** 50.49 (10) of the statutes is amended to read:

50.49 (10) **PROVISIONAL PROBATIONARY LICENSES.** Except as provided in s. 50.498, a provisional probationary license if approved by the department may be issued to any home health agency, the facilities of which are in use or needed for patients, but which is temporarily unable to conform to all the rules established under this section. A provisional probationary license may not be issued for more than one year.

**SECTION 1935.** 50.498 (1) (c) of the statutes is amended to read:

50.498 (1) (c) A provisional probationary license under s. 50.49 (10).

**SECTION 1936.** 50.498 (1m) of the statutes is amended to read:

50.498 (1m) If an individual who applies for a certificate of approval, license or provisional license or a license as specified under sub. (1) does not have a social security number, the individual, as a condition of obtaining the certificate of approval, license or provisional or the license, shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. A certificate of approval, license or
provisional or a license issued in reliance upon a false statement submitted under this subsection is invalid.

**SECTION 1937.** 50.498 (3) of the statutes is amended to read:

50.498 (3) Except as provided in sub. (1m), the department shall deny an application for the issuance of a certificate of approval, license or provisional or a license specified in sub. (1) if the applicant does not provide the information specified in sub. (1).

**SECTION 1938.** 50.498 (4) of the statutes is amended to read:

50.498 (4) The department shall deny an application for the issuance of a certificate of approval, license or provisional or a license specified in sub. (1) or shall, notwithstanding s. 50.02 (3m) (bm), revoke a certificate of approval, license or provisional or a license specified in sub. (1), if the department of revenue certifies under s. 73.0301 that the applicant for or holder of the certificate of approval, license or provisional or the license is liable for delinquent taxes.

**SECTION 1939.** 50.498 (5) of the statutes is amended to read:

50.498 (5) An Notwithstanding s. 50.02 (3m) (e), an action taken under sub. (3) or (4) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

**SECTION 1940.** 50.51 (2) (b) of the statutes is amended to read:

50.51 (2) (b) Minimum requirements for issuance of a provisional license or a regular license to rural medical centers.

**SECTION 1941.** 50.52 (2) (intro.) of the statutes is amended to read:

50.52 (2) (intro.) The department shall issue a provisional license or a regular license as a rural medical center to an applicant if all of the following are first done:

**SECTION 1942.** 50.52 (4) of the statutes is amended to read:
50.52 (4) A regular license issued to a rural medical center is valid until it is suspended or revoked. A provisional license issued to a rural medical center is valid for 6 months from the date of issuance.

**SECTION 1943.** 50.55 (1) of the statutes is repealed.

**SECTION 1944.** 50.55 (2) (title) of the statutes is repealed and recreated to read:

50.55 (2) **Penalty.**

**SECTION 1945.** 50.925 of the statutes is amended to read:

50.925 **Use of name or advertising prohibited.** No entity that is not a hospice licensed or conditionally licensed under this subchapter or an applicant for a license or a provisional license under this subchapter may designate itself as a “hospice” or use the word “hospice” to represent or tend to represent the entity as a hospice or services provided by the entity as services provided by a hospice.

**SECTION 1946.** 50.93 (1) (intro.) of the statutes is amended to read:

50.93 (1) **Application.** (intro.) The application for a license or for a provisional license shall:

**SECTION 1947.** 50.93 (2) (a) of the statutes is amended to read:

50.93 (2) (a) A hospice license is valid until suspended or revoked.

**SECTION 1948.** 50.93 (3) of the statutes is amended to read:

50.93 (3) **Provisional Probationary License.** If the applicant has not been previously licensed under this subchapter or if the hospice is not in operation at the time that application is made, the department may issue a provisional probationary license. Unless sooner suspended or revoked under sub. (4), a provisional probationary license shall be valid for 24 months from the date of issuance. Within 30 days prior to the termination of a provisional probationary license, the department shall fully and completely inspect the hospice and, if the hospice meets
the applicable requirements for licensure, shall issue a regular license under sub. (2).

If the department finds that the hospice does not meet the requirements for licensure, the department may not issue a regular license under sub. (2).

SECTION 1949. 50.93 (3g) of the statutes is created to read:

50.93 (3g) SUBSTANTIAL NONCOMPLIANCE. A hospice that is in substantial noncompliance, as defined by the department by rule under s. 50.95 (7), with a federal statute or regulation or with an applicable provision of this chapter shall demonstrate, including by providing financial or other information requested by the department, that the hospice continues to be fit and qualified, as defined by the department by rule under s. 50.95 (5), to operate.

SECTION 1950. 50.93 (4) of the statutes is repealed and recreated to read:

50.93 (4) EFFECT OF LICENSE INVALIDITY. No state or federal funds passing through the state treasury may be paid to a hospice that does not have a valid license issued under this section.

SECTION 1951. 50.95 (7) of the statutes is created to read:

50.95 (7) The definition of “substantial noncompliance” for the purposes of s. 50.93 (3g).

SECTION 1952. 50.98 (title) and (1) of the statutes are repealed.

SECTION 1953. 50.98 (2) of the statutes is renumbered 50.02 (3m) (b) 3. and amended to read:

50.02 (3m) (b) 3. In determining whether a forfeiture is to be imposed under subd. 1. and in fixing the amount of the forfeiture to be imposed under subd. 2., if any, for a violation, the department shall consider the following factors shall be considered:
a. The gravity of the violation, including the probability that death or serious physical or psychological harm to a resident or patient will result or has resulted; the severity of the actual or potential harm; and the extent to which the provisions of the applicable statutes or rules were violated.

b. Good faith exercised by the licensee entity. Indications of good faith include, but are not limited to, awareness of the applicable statutes and regulation and reasonable diligence in complying with such requirements, prior accomplishments manifesting the licensee's desire to comply with the requirements, efforts to correct and any other mitigating factors in favor of the licensee entity.

c. Any previous violations committed by the licensee entity.

d. The financial benefit to the hospice entity of committing or continuing the violation.

Section 1954. 50.98 (3) to (6) of the statutes are repealed.

Section 1955. 51.02 (1) (e) of the statutes is renumbered 51.02 (3) and amended to read:

51.02 (3) Submit The council on mental health may submit annually to the department, the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), and the governor a report on recommended policy changes in the area of mental health.

Section 1956. 51.032 (1) (b) of the statutes is amended to read:

51.032 (1) (b) A certification issued under s. 51.04 (2).

Section 1957. 51.032 (1) (e) of the statutes is amended to read:

51.032 (1) (e) An approval issued under s. 51.45 (8) 51.04 (1).

Section 1958. 51.032 (4) of the statutes is amended to read:
51.032 (4) The department shall deny an application for the issuance of a certification or approval specified in sub. (1) or shall, notwithstanding s. 51.04 (4), revoke a certification or approval specified in sub. (1) if the department of revenue certifies under s. 73.0301 that the applicant for or holder of a certification or approval is liable for delinquent taxes.

**SECTION 1959.** 51.032 (5) of the statutes is amended to read:

51.032 (5) An notwithstanding s. 51.04 (4), action taken under sub. (3) or (4) is subject to review only as provided under s. 73.0301 (2) (b) and (5).

**SECTION 1960.** 51.04 of the statutes is repealed and recreated to read:

51.04 Treatment facilities. (2) Certification. Except as provided in s. 51.032, an approved treatment facility may apply to the department for certification of the facility for the receipt of funds for services provided as a benefit to a medical assistance recipient under s. 49.46 (2) 6. f. or to a community aids funding recipient under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The department shall annually charge a fee for each certification.

(3) Conditional approval. (a) The department may, in addition to assessing forfeitures under sub. (4) (a), issue a conditional approval to any treatment facility if the department finds that a violation by the treatment facility of an applicable provision of this chapter or of a rule promulgated under an applicable provision of this chapter continues to exist.

(b) The issuance of a conditional approval to a treatment facility revokes any outstanding approval held under this section by the treatment facility.

(c) Prior to the issuance of a conditional approval, the department shall establish a written plan of correction. The plan shall specify the violations that prevent full approval and shall establish a time schedule for correction of the
deficiencies. Retention of the conditional approval by a treatment facility shall be
conditional on the treatment facility’s meeting the requirements of the plan of
correction.

(d) The department shall send to a treatment facility written notice of the
decision to issue a conditional approval, together with the proposed plan of
correction. The notice shall inform the treatment facility of its right to a case
conference prior to issuance of the conditional approval and of its right under par. (f)
to a hearing.

(e) If the treatment facility desires to have a case conference it shall, within 4
working days of receipt of the notice under par. (d), send a written request for a case
conference to the department. The department shall, within 4 working days from the
receipt of the request, hold a case conference in the county in which the treatment
facility is located. Following this conference the department may affirm or overrule
its previous decision, or modify the terms of the conditional approval and plan of
correction. The department may issue the conditional approval after the case
conference, or after the time for requesting a case conference has expired, prior to any
further hearing.

(f) If after the case conference the treatment facility desires to contest the basis
for issuance of a conditional approval or the terms of the conditional approval or plan
of correction, the treatment facility is entitled to a hearing as specified under sub.
(4) (d).

(g) The department may issue a conditional approval for a period specified by
the department, but in no event for more than 12 months. The department shall
periodically inspect any treatment facility that is operating under a conditional
approval. If the department finds substantial failure by the treatment facility to
follow the plan of correction, the department may revoke the conditional approval as provided under sub. (4) (b). The treatment facility is entitled to a hearing as specified under sub. (4) (d) on the revocation, but the department may rely on facts found in a hearing under par. (f) as grounds for revocation.

(h) If the department determines that the conditional approval of a treatment facility shall expire without renewal or replacement of the conditional approval by an approval under sub. (1), the department shall so notify the treatment facility at least 30 days prior to expiration of the conditional approval. The notice shall be written, shall state the grounds for the expiration without renewal or replacement, and shall explain the process for appealing the expiration without renewal or replacement. The treatment facility is entitled to a hearing as specified under sub. (4) (d) prior to expiration of the conditional approval.

(4) SANCTIONS AND PENALTIES. (a) If the department provides to a treatment facility written notice of the sanction or penalty, the grounds for the sanction or penalty, an explanation of the types of sanctions or penalties that the department may impose under this subsection, and an explanation of the process for appealing a sanction or penalty imposed under this subsection, the department may impose any of the following against a treatment facility or other person who violates the applicable provisions of this chapter or rules promulgated under the applicable provisions of this chapter:

1. A daily forfeiture amount per violation of not less than $10 nor more than $2,000 for each violation, with each day of violation constituting a separate offense. All of the following apply to a forfeiture under this subdivision:

   a. Within the limits specified in this subdivision, the department may, by rule, set daily forfeiture amounts and payment deadlines based on the size of the
treatment facility, the type of the treatment facility, and the seriousness of the violation.

b. The department may directly assess a forfeiture imposed under this subdivision by specifying the amount of that forfeiture in the notice provided under this paragraph.

c. A treatment facility assessed a forfeiture shall pay the forfeiture to the department within 10 days after receipt of notice of assessment or, if the forfeiture is contested under par. (d), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is appealed and the order is stayed by court order under sub. (5). The department shall remit all forfeitures paid under this subdivision to the state treasurer for deposit in the school fund.

d. The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this subdivision if the forfeiture has not been paid following the exhaustion of all administrative and judicial reviews. The only issue to be contested in any such action shall be whether the forfeiture has been paid.

2. Suspension of approval for the treatment facility.

3. Revocation of approval or of conditional approval as specified in pars. (b) to (e).

(b) Under the procedure specified in par. (c), the department may revoke an approval for a treatment facility for any of the following reasons:

1. The department has imposed a sanction or penalty on the treatment facility under par. (a) and the treatment facility continues to violate or resumes violation of an applicable provision of approval or of conditional approval or a rule relating to the treatment facility promulgated under this chapter.
2. The treatment facility or a person under the supervision of the treatment facility has substantially violated a provision of approval applicable to the treatment facility or a rule relating to the treatment facility promulgated under this chapter.

3. The treatment facility or a person under the supervision of the treatment facility has acted in relation to or has created a condition relating to the operation or maintenance of the treatment facility that directly threatens the health, safety, or welfare of a patient of the treatment facility.

4. The treatment facility or a person under the supervision of the treatment facility has repeatedly violated the same or similar provisions of approval or conditional approval applicable to the treatment facility or rules relating to the treatment facility promulgated under this chapter.

(c) 1. The department may revoke an approval or conditional approval for a treatment facility for the reason specified in par. (b) 1., 2., 3., or 4. if the department provides the treatment facility with written notice of revocation, the grounds for the revocation, and an explanation of the process for appealing the revocation, at least 30 days before the date of revocation. The department may revoke the approval or conditional approval only if the violation remains substantially uncorrected on the date of revocation or expiration of the approval or conditional approval.

2. The department may revoke an approval or conditional approval for a treatment facility for the reason specified in par. (b) 2. or 3. immediately if the department provides the treatment facility with written notice of revocation, the grounds for the revocation, and an explanation of the process for appealing the revocation.

3. The department may deny an approval or conditional approval for treatment facility whose approval or conditional approval was revoked under this paragraph.
(d) If a treatment facility desires to contest the suspension or revocation of an approval or conditional approval or the imposition of a sanction or penalty, including an assessment of a forfeiture under par. (a), the treatment facility shall, within 10 days after receipt of notice under par. (a), notify the department in writing of its request for a hearing under s. 227.44. The department shall hold a prehearing conference within 30 days after receipt of the notice and shall send notice to the treatment facility of a hearing as provided under s. 227.44 (2).

(e) 1. Subject to s. 227.51 (3), revocation shall become effective on the date set by the department in the notice of revocation, upon final action after hearing under ch. 227, or after court action if a stay is granted under sub. (5), whichever is later.

2. The department may extend the effective date of revocation of an approval or a conditional approval in any case in order to permit orderly removal and relocation of patients.

(5) JUDICIAL REVIEW. (a) All administrative remedies shall be exhausted before an agency determination under this chapter is subject to judicial review. Final decisions after hearing are subject to judicial review exclusively as provided in s. 227.52, except that a treatment facility shall file any petition for review of department action under this chapter within 15 days after receipt of notice of the final agency determination.

(b) The court may stay enforcement under s. 227.54 of the agency's final decision if a showing is made that there is a substantial probability that the party seeking review will prevail on the merits and will suffer irreparable harm if a stay is not granted, and that the treatment facility will meet the applicable requirements of this chapter and the rules promulgated under this chapter during the stay. If a stay is granted, the court may impose such conditions on the granting of the stay as
may be necessary to safeguard the lives, health, rights, safety, and welfare of patients
and to assure compliance by the treatment facility with the requirements of this
chapter.

(c) The attorney general may delegate to the department the authority to
represent the state in any action brought to challenge department actions prior to
exhaustion of administrative remedies and final disposition by the agency.

SECTION 1961. 51.06 (1) (intro.) of the statutes is renumbered 51.06 (1) and
amended to read:

51.06 (1) PURPOSE. The purpose of the northern center for developmentally
disabled, central center for developmentally disabled and southern center for
developmentally disabled is to provide services needed by developmentally disabled
citizens of this state which that are otherwise unavailable to them, and to return
such those persons to the community when their needs can be met at the local level.

Services to be provided by the department at such centers shall include:

SECTION 1962. 51.06 (1) (a) to (d) of the statutes are renumbered 51.06 (1m) (a)
to (d), and 51.06 (1m) (d), as renumbered, is amended to read:

51.06 (1m) (d) Services for up to 36 50 individuals with developmental
disability who are also diagnosed as mentally ill or who exhibit extremely aggressive
and challenging behaviors.

SECTION 1963. 51.06 (1m) (intro.) of the statutes is created to read:

51.06 (1m) SERVICES. (intro.) Services to be provided by the department at
centers for the developmentally disabled shall include:

SECTION 1964. 51.06 (1r) of the statutes is created to read:

51.06 (1r) ALTERNATIVE SERVICES. (a) In addition to services provided under
sub. (1m), the department may, when the department determines that community
services need to be supplemented, authorize a center for the developmentally
disabled to offer short-term residential services, dental and mental health services,
physical therapy, psychiatric and psychological services, general medical services,
pharmacy services, and orthotics.

(b) Services under this subsection may be provided only under contract
between the department and a county department under s. 46.215, 46.22, 46.23,
51.42, or 51.437, a school district, or another public or private entity within the state
to persons referred from those entities, at the discretion of the department. The
department shall charge the referring entity all costs associated with providing the
services. Unless a referral is made, the department may not offer services under this
subsection to the person who is to receive the services or to his or her family. The
department may not impose a charge for services under this subsection upon the
person receiving the services or upon his or her family. Any revenues received under
this subsection shall be credited to the appropriation account under s. 20.435 (2) (g).

(c) 1. Services under this subsection are governed by subchapter XVI of ch. 48
and ss. 50.03, 50.032, 50.033, 50.034 (1) to (3), 50.035, 50.04, 50.09, 51.04, 51.42 (7)
(b), and 51.61, for the application of which the services shall be considered to be
provided by a private entity, by rules promulgated under those statutes, and by the
terms of the contract between the department, except that, in the event of a conflict
between the contractual terms and the statutes or rules, the services shall comply
with the contractual, statutory, or rules provision that is most protective of the
service recipient’s health, safety, welfare, or rights.

2. Sections 46.03 (18), 46.10, 51.15 (2), 51.20 (13) (c) 1., and 51.42 (3) (as) and
zoning or other ordinances or regulations of the county, city, town, or village in which
the services are provided or the facility is located do not apply to the services under this subsection.

3. The department may not be required, by court order or otherwise, to offer services under this subsection.

(d) A residential facility operated by a center for the developmentally disabled that is authorized by the department under this subsection may not be considered to be a hospital, as defined in s. 50.33 (2), an inpatient facility, a state treatment facility, or a treatment facility.

SECTION 1965. 51.08 of the statutes is amended to read:

51.08 Milwaukee County Mental Health Complex. Any county having a population of 500,000 or more may, pursuant to s. 46.17, establish and maintain a county mental health complex. The county mental health complex shall be a hospital devoted to the detention and care of drug addicts, alcoholics, chronic patients, and mentally ill persons whose mental illness is acute. Such The hospital shall be governed pursuant to under s. 46.21. Treatment of alcoholics at the county mental health complex is subject to approval by the department under s. 51.45 (8) 51.04 (1).

The county mental health complex established pursuant to under this section is subject to rules promulgated by the department concerning hospital standards.

SECTION 1966. 51.09 of the statutes is amended to read:

51.09 County hospitals. Any county having a population of less than 500,000 may establish a hospital or facilities for the detention and care of mentally ill persons, alcoholics, and drug addicts; and in connection therewith a hospital or facility for the care of cases persons afflicted with pulmonary tuberculosis. County hospitals established pursuant to under this section are subject to rules promulgated
by the department concerning hospital standards, including standards for alcoholic
treatment facilities under s. 51.45 (8) 51.04 (1).

SECTION 1966. 51.30 (10) (b) of the statutes is amended to read:

51.30 (10) (b) Whoever Notwithstanding s. 51.04 (4) (a), whoever negligently
discloses confidential information under this section is subject to a forfeiture of not
more than $1,000 for each violation.

SECTION 1967. 51.42 (3) (ar) 4m. of the statutes is amended to read:

51.42 (3) (ar) 4m. If state, federal, and county funding for alcohol and other
drug abuse treatment services provided under subd. 4. are insufficient to meet the
needs of all eligible individuals, ensure that first priority for services is given to
pregnant women who suffer from alcoholism or alcohol abuse or are drug dependent
and that second priority be given to independent foster care adolescents, as defined
in 42 USC 1396d (w) (1).

SECTION 1968. 51.42 (3) (ar) 4p. of the statutes is created to read:

51.42 (3) (ar) 4p. If state, federal, and county funding for mental health services
provided under subd. 4. are insufficient to meet the needs of all eligible individuals,
ensure that first priority for services is given to independent foster care adolescents,
as defined in 42 USC 1396d (w) (1).

SECTION 1969. 51.42 (3) (as) 1. of the statutes is amended to read:

51.42 (3) (as) 1. A county department of community programs shall authorize
all care of any patient in a state, local or private facility under a contractual
agreement between the county department of community programs and the facility,
unless the county department of community programs governs the facility. The need
for inpatient care shall be determined by the program director or designee in
consultation with and upon the recommendation of a licensed physician trained in
psychiatry and employed by the county department of community programs or its
contract agency. In cases of emergency, a facility under contract with any county
department of community programs shall charge the county department of
community programs having jurisdiction in the county where the patient is found.
The county department of community programs shall reimburse the facility for the
actual cost of all authorized care and services less applicable collections under s.
46.036, unless the department of health and family services determines that a
charge is administratively infeasible, or unless the department of health and family
services, after individual review, determines that the charge is not attributable to the
cost of basic care and services.  Except as provided in subd. 1m., a county
department of community programs may not reimburse any state institution or
receive credit for collections for care received therein by nonresidents of this state,
interstate compact clients, transfers under s. 51.35 (3), and transfers from Wisconsin
state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977 stats., or s.
975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s. 975.17, 1977
stats., or children placed in the guardianship of the department of health and family
services under s. 48.427 or 48.43 or under the supervision of the department of
corrections under s. 938.183 or 938.355. The exclusionary provisions of s. 46.03 (18)
do not apply to direct and indirect costs which are attributable to care and treatment
of the client.

SECTION 1971. 51.42 (3) (as) 1m. of the statutes is created to read:

51.42 (3) (as) 1m. A county department of community programs shall
reimburse a mental health institute at the institute’s daily rate for custody of any
county resident examined at the mental health institute under s. 971.14 (2) for all
days that the person remains in custody at the mental health institute, beginning
48 hours, not including Saturdays, Sundays, and legal holidays, after the sheriff and county department receive notice under s. 971.14 (2) (d) that the examination has been completed.

**SECTION 1972.** 51.437 (4rm) (c) 2m. of the statutes is amended to read:

51.437 (4rm) (c) 2m. Bill the county department of developmental disabilities services for services provided under s. 51.06 (1m) (d) to individuals who are eligible for medical assistance that are not provided by the federal government, using the procedure established under subd. 1.

**SECTION 1973.** 51.437 (14) (i) of the statutes is repealed.

**SECTION 1974.** 51.437 (14p) (a) of the statutes is amended to read:

51.437 (14p) (a) **Requirement Optional requirement.** By December 1, 1991, and every 5 years thereafter, the department shall submit may develop a state developmental disabilities services plan for the next 5 years. The plan shall be updated and may update the plan biennially. The plan and plan updates shall be submitted to the governor, the standing committees with jurisdiction over developmental disabilities issues in each house of the legislature and the joint committee on finance.

**SECTION 1975.** 51.437 (14p) (b) (intro.) of the statutes is amended to read:

51.437 (14p) (b) **Plan objectives.** (intro.) The Any plan under this subsection shall may be developed and implemented so as to achieve all of the following objectives:

**SECTION 1976.** 51.437 (14p) (c) (intro.) of the statutes is amended to read:

51.437 (14p) (c) **Plan content.** (intro.) The Any plan required developed under this subsection shall may include:

**SECTION 1977.** 51.437 (14p) (d) of the statutes is amended to read:
51.437 (14p) (d) Participation of council. The department, in formulating the plan under this subsection, may consider the comments and recommendations of the Wisconsin council on developmental disabilities.

SECTION 1978. 51.437 (14p) (f) 1. of the statutes is amended to read:

51.437 (14p) (f) 1. Copies of the any proposed state plan, and any proposed biennial updates to the plan, may be made reasonably available to the public in order to allow sufficient time for public review and comments.

SECTION 1979. 51.437 (14p) (f) 2. of the statutes is amended to read:

51.437 (14p) (f) 2. Copies of the final state plan and biennial updates to the plan may be submitted to the governor, the standing committees with jurisdiction over developmental disabilities issues in each house of the legislature, and the joint committee on finance and. Copies of the plan and updates shall be made available to the public.

SECTION 1980. 51.437 (14r) (title) of the statutes is amended to read:


SECTION 1981. 51.437 (14r) (a) 2. (intro.) of the statutes is renumbered 51.437 (14r) (c) (intro.) and amended to read:

51.437 (14r) (c) (intro.) Perform The council on developmental disabilities may perform the following responsibilities related to the any state plan developed under sub. (14p) for the delivery of services, including the construction of facilities:

SECTION 1982. 51.437 (14r) (a) 2. a. and b. of the statutes are renumbered 51.437 (14r) (c) 1. and 2.

SECTION 1983. 51.44 (5) (c) of the statutes is renumbered 51.44 (6) and amended to read:
51.44 (6) Annually, the department may submit to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) a report on the department’s progress toward full implementation of the program under this section, including the progress of counties in implementing goals for participation in 5th-year requirements under 20 USC 1476.

SECTION 1984. 51.45 (2) (b) of the statutes is amended to read:

51.45 (2) (b) “Approved private treatment facility” means a private agency meeting the standards prescribed in sub. (8) (a) of, and approved under sub. (8) (c), s. 51.04 (1).

SECTION 1985. 51.45 (2) (c) of the statutes is amended to read:

51.45 (2) (c) “Approved public treatment facility” means a treatment agency operating under the direction and control of the department or providing treatment under this section through a contract with the department under sub. (7) (g) or with the county department under s. 51.42 (3) (ar) 2., and meeting the standards prescribed in sub. (8) (a) of, and approved under sub. (8) (c), s. 51.04 (1).

SECTION 1986. 51.45 (4) (p) of the statutes is renumbered 51.45 (4m) and amended to read:

51.45 (4m) REPORT. Submit The department may submit to the governor or the state health planning and development agency under P.L. 93–641, as amended, an annual report covering the activities of the department relating to treatment of alcoholism.

SECTION 1987. 51.45 (8) (title) of the statutes is renumbered 51.04 (1) (title) and amended to read:

51.04 (1) (title) STANDARDS FOR PUBLIC AND PRIVATE TREATMENT FACILITIES, ENFORCEMENT PROCEDURES APPROVAL.
SECTION 1988. 51.45 (8) (a) of the statutes is renumbered 51.04 (1) (a) and amended to read:

51.04 (1) (a) The department shall establish minimum standards for approved treatment facilities that must be met for a treatment facility to be approved as a public or private treatment facility approval, except as provided in s. 51.032, of public and private treatment facilities and fix shall specify the fees to be charged by the department for the required inspections. The standards may concern only the health standards to be met and standards of treatment to be afforded patients and shall distinguish between facilities rendering different modes of treatment. In setting standards, the department shall consider the residents’ needs and abilities, the services to be provided by the facility, and the relationship between the physical structure and the objectives of the program. Nothing in this subsection shall may be construed to prevent county departments from establishing reasonable higher standards.

SECTION 1989. 51.45 (8) (b) of the statutes is renumbered 51.04 (1) (b).

SECTION 1990. 51.45 (8) (c) of the statutes is renumbered 51.04 (1) (c) and amended to read:

51.04 (1) (c) Approval of a No treatment facility must be secured that is not approved under this section before application subsection may apply for a grant-in-aid for such facility under s. 51.423 or before treatment in any facility is rendered treatment to patients.

SECTION 1991. 51.45 (8) (d) of the statutes is renumbered 51.04 (1) (d) and amended to read:

51.04 (1) (d) Each An approved public and private treatment facility shall file with the department on request, data, statistics, schedules and information the
department reasonably requires, including any data or information specified under
s. 46.973 (2m). An approved public or private The approval of a treatment facility
that without good cause fails to furnish any data, statistics, schedules or information
as requested, or files fraudulent returns thereof, shall be removed from the list of
approved treatment facilities, is subject to revocation.

SECTION 1992. 51.45 (8) (e) of the statutes is repealed.

SECTION 1993. 51.45 (8) (f) of the statutes is repealed.

SECTION 1994. 59.05 (2) of the statutes is amended to read:

59.05 (2) If two-fifths of the legal voters of any county, to be determined by the
registration or poll lists of the last previous general election held in the county, the
names of which voters shall appear on some one of the registration or poll lists of such
election, present to the board a petition conforming to the requirements of s. 8.40
asking for a change of the county seat to some other place designated in the petition,
the board shall submit the question of removal of the county seat to a vote of the
qualified voters of the county. The board shall file the question as provided in s. 8.37.
The election shall be held only on the day of the general election, notice of the election
shall be given and the election shall be conducted as in the case of the election of
officers on that day, and the votes shall be canvassed, certified and returned in the
same manner as other votes at that election. The question to be submitted shall be
“Shall the county seat of .... county be removed to ....?”.

SECTION 1995. 59.22 (2) (c) 2. of the statutes is amended to read:

59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
rules of the department of health and family services under s. 49.33 (4) to (7) relating
to employees administering old-age assistance, aid to families with dependent
children, aid to the blind and aid to totally and permanently disabled persons or ss. 63.01 to 63.17.

SECTION 1996. 59.25 (3) (f) 2. of the statutes is amended to read:

59.25 (3) (f) 2. For all court imposed fines and forfeitures required by law to be deposited in the state treasury, the amounts required by s. 757.05 for the penalty assessment surcharge, the amounts required by s. 165.87 (1) for the law enforcement training fund assessment, the amounts required by s. 165.755 for the crime laboratories and drug law enforcement assessment, the amounts required by s. 167.31 (5) for the weapons assessment, the amounts required by s. 973.045 for the crime victim and witness assistance surcharge, the amounts required by s. 938.34 (8d) for the delinquency victim and witness assistance surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis surcharge, the amounts required by s. 961.41 (5) for the drug abuse program improvement surcharge, the amounts required by s. 100.261 for the consumer information protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1. or required by s. 973.055 (1) for the domestic abuse assessment, the amounts required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental food program for women, infants and children, the amounts required by ss. 346.177, 346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the amounts required by s. 346.655 (2) (a) and (b) for the driver improvement surcharge, the amounts required by s. 102.85 (4) for the uninsured employer assessment, the amounts required by s. 299.93 for the environmental assessment, the amounts required by s. 29.983 for the wild animal protection assessment, the amounts required by s. 29.987 for the natural resources assessment surcharge, the amounts required by s. 29.985 for the fishing shelter removal assessment, the amounts required by s. 350.115 for the snowmobile
registration restitution payment, and the amounts required by s. 29.989 for natural
resources restitution payments, transmit to the state treasurer a statement of all
moneys required by law to be paid on the actions entered during the preceding month
on or before the first day of the next succeeding month, certified by the county
treasurer’s personal signature affixed or attached thereto, and at the same time pay
to the state treasurer the amount thereof.

**SECTION 1996.** 59.40 (2) (m) of the statutes is amended to read:

59.40 (2) (m) Pay monthly to the treasurer for the use of the state the state’s
percentage of the fees required to be paid on each civil action, criminal action and
special proceeding filed during the preceding month and pay monthly to the
treasurer for the use of the state the percentage of court imposed fines and forfeitures
required by law to be deposited in the state treasury, the amounts required by s.
757.05 for the penalty assessment surcharge, the amounts required by s. 165.87 (1)
for the law enforcement training fund assessment, the amounts required by s.
165.755 for the crime laboratories and drug law enforcement assessment, the
amounts required by s. 167.31 (5) for the weapons assessment, the amounts required
by s. 973.045 for the crime victim and witness assistance surcharge, the amounts
required by s. 938.34 (8d) for the delinquency victim and witness assistance
surcharge, the amounts required by s. 973.046 for the deoxyribonucleic acid analysis
surcharge, the amounts required by s. 961.41 (5) for the drug abuse program
improvement surcharge, the amounts required by s. 100.261 for the consumer
information protection assessment, the amounts authorized by s. 971.37 (1m) (c) 1.
or required by s. 973.055 for the domestic abuse assessment surcharge, the amounts
required by s. 253.06 (4) (c) for the enforcement assessment under the supplemental
food program for women, infants and children, the amounts required by ss. 346.177,
346.495 and 346.65 (4r) for the railroad crossing improvement assessment, the
amounts required by s. 346.655 for the driver improvement surcharge, the amounts
required by s. 102.85 (4) for the uninsured employer assessment, the amounts
required by s. 299.93 for the environmental assessment, the amounts required under
s. 29.983 for the wild animal protection assessment, the amounts required under s.
29.987 (1) (d) for the natural resources assessment surcharge, the amounts required
by s. 29.985 for the fishing shelter removal assessment, the amounts required by s.
350.115 for the snowmobile registration restitution payment, and the amounts
required under s. 29.989 (1) (d) for the natural resources restitution payments. The
payments shall be made by the 15th day of the month following receipt thereof.

SECTION 1998. 59.43 (1) (u) of the statutes, as affected by 1997 Wisconsin Act
27, is repealed and recreated to read:

59.43 (1) (u) Submit that portion of recording fees collected under sub. (2) (ag)
1. and (e) and not retained by the county to the department of administration under
s. 59.72 (5).

SECTION 1999. 59.43 (2) (ag) 1. of the statutes, as affected by 1997 Wisconsin
Act 27, is repealed and recreated to read:

59.43 (2) (ag) 1. After June 30, 1991, and subject to s. 59.72 (5), for recording
any instrument entitled to be recorded in the office of the register of deeds, $11 for
the first page and $2 for each additional page, except that no fee may be collected for
recording a change of address that is exempt from a filing fee under s. 185.83 (1) (b).

SECTION 2000. 59.43 (2) (b) of the statutes is amended to read:

59.43 (2) (b) For copies of any records or papers, $2 for the first page plus $1
for each additional page, plus 25 cents $1 for the certificate of the register of deeds,
except that the department of revenue is exempt from the fees under this paragraph.
SECTION 2001. 59.43 (2) (e) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed and recreated to read:

59.43 (2) (e) After June 30, 1991, and subject to s. 59.72 (5), for filing any instrument which is entitled to be filed in the office of register of deeds and for which no other specific fee is specified, $11 for the first page and $2 for each additional page.

SECTION 2002. 59.54 (12) of the statutes is amended to read:

59.54 (12) COUNTY-TRIBAL LAW ENFORCEMENT PROGRAMS. Pursuant to adoption of a resolution, a board may enter into an agreement and seek funding under s. 165.90 16.964 (7).

SECTION 2003. 59.72 of the statutes, as affected by 1997 Wisconsin Act 27, is repealed and recreated to read:

59.72 Land information. (1) DEFINITIONS. In this section:

(a) “Land information” has the meaning given in s. 16.967 (1) (b).

(am) “Land information system” has the meaning given in s. 16.967 (1) (c).

(b) “Land records” has the meaning given in s. 16.967 (1) (d).

(c) “Local governmental unit” means a municipality, regional planning commission, special purpose district, or local governmental association, authority, board, commission, department, independent agency, institution, or office.

(3) LAND INFORMATION OFFICE. The board may establish a county land information office or may direct that the functions and duties of the office be performed by an existing department, board, commission, agency, institution, authority, or office. If the board establishes a county land information office, the office shall:
(a) Coordinate land information projects within the county, between the county and local governmental units, between the state and local governmental units, and among local governmental units, the federal government, and the private sector.

(b) Within 2 years after the land information office is established, develop and receive approval for a countywide plan for land records modernization. The plan shall be submitted for approval to the department of administration under s. 16.967 (3) (e).

(c) Review and recommend projects from local governmental units for grants from the department of administration under s. 16.967 (7).

(4) AID TO COUNTIES. A board that has established a land information office under sub. (3) may apply to the department of administration for a grant for a land information project under s. 16.967 (7).

(5) LAND RECORD MODERNIZATION FUNDING. (a) Before the 16th day of each month a register of deeds shall submit to the department of administration $7 from the fee for recording the first page of each instrument that is recorded under s. 59.43 (2) (ag) 1. and (e), less any amount retained by the county under par. (b).

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

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

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

3. The county uses the fees retained under this paragraph to develop, implement and maintain the countywide plan for land records modernization.
**SECTION 2004.** 62.50 (23m) of the statutes is repealed.

**SECTION 2005.** 66.0113 (1) (b) 7. c. of the statutes is amended to read:

66.0113 (1) (b) 7. c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by s. 757.05, a law enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1) not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

**SECTION 2006.** 66.0113 (1) (b) 7. d. of the statutes is amended to read:

66.0113 (1) (b) 7. d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant’s arrest or consider the nonappearance to be a plea of no contest and enter judgment under sub. (3) (d), or the municipality may commence an action against the alleged violator to collect the forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1).

**SECTION 2007.** 66.0113 (1) (c) of the statutes is amended to read:

66.0113 (1) (c) An ordinance adopted under par. (a) shall contain a schedule of cash deposits that are to be required for the various ordinance violations, and for the
penalty assessment imposed by s. 757.05, the law enforcement training fund
assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the
crime laboratories and drug law enforcement assessment imposed by s. 165.755, any
applicable consumer information protection assessment imposed by s. 100.261, and
any applicable domestic abuse assessment imposed by s. 973.055 (1), for which a
citation may be issued. The ordinance shall also specify the court, clerk of court or
other official to whom cash deposits are to be made and shall require that receipts
be given for cash deposits.

SECTION 2008. 66.0113 (3) (a) of the statutes is amended to read:

66.0113 (3) (a) The person named as the alleged violator in a citation may
appear in court at the time specified in the citation or may mail or deliver personally
a cash deposit in the amount, within the time and to the court, clerk of court or other
official specified in the citation. If a person makes a cash deposit, the person may
nevertheless appear in court at the time specified in the citation, but the cash deposit
may be retained for application against any forfeiture, restitution, penalty
assessment, law enforcement training fund assessment, jail assessment, crime
laboratories and drug law enforcement assessment, consumer information
protection assessment, or domestic abuse assessment that may be imposed.

SECTION 2009. 66.0113 (3) (b) of the statutes is amended to read:

66.0113 (3) (b) If a person appears in court in response to a citation, the citation
may be used as the initial pleading, unless the court directs that a formal complaint
be made, and the appearance confers personal jurisdiction over the person. The
person may plead guilty, no contest or not guilty. If the person pleads guilty or no
contest, the court shall accept the plea, enter a judgment of guilty and impose a
forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement
training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the court finds that the violation meets the conditions in s. 800.093 (1), the court may order restitution under s. 800.093. A plea of not guilty shall put all matters in the case at issue, and the matter shall be set for trial.

SECTION 2010. 66.0113 (3) (c) of the statutes is amended to read:

66.0113 (3) (c) If the alleged violator makes a cash deposit and fails to appear in court, the citation may serve as the initial pleading and the violator shall be considered to have tendered a plea of no contest and submitted to a forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1) not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly or reject the plea. If the court finds the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the court accepts the plea of no contest, the defendant may move within 10 days after the date set for the appearance to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty if the defendant shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise, or excusable neglect. If the plea of no contest is accepted and not subsequently changed to a plea of not guilty,
no costs or fees may be taxed against the violator, but a penalty assessment, a law enforcement training fund assessment, a jail assessment, a crime laboratories and drug law enforcement assessment and, if applicable, a consumer information protection assessment or a domestic abuse assessment shall be assessed. If the court rejects the plea of no contest, an action for collection of the forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable consumer information protection assessment, and any applicable domestic abuse assessment may be commenced. A city, village, town sanitary district, or public inland lake protection and rehabilitation district may commence action under s. 66.0114 (1) and a county or town may commence action under s. 778.10. The citation may be used as the complaint in the action for the collection of the forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable consumer information protection assessment, and any applicable domestic abuse assessment.

Section 2011. 66.0113 (3) (d) of the statutes is amended to read:

66.0113 (3) (d) If the alleged violator does not make a cash deposit and fails to appear in court at the time specified in the citation, the court may issue a summons or warrant for the defendant’s arrest or consider the nonappearance to be a plea of no contest and enter judgment accordingly if service was completed as provided under par. (e) or the county, town, city, village, town sanitary district, or public inland lake protection and rehabilitation district may commence an action for collection of the forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, and crime laboratories and drug law enforcement assessment, any applicable consumer information protection assessment, and any applicable
domestic abuse assessment. A city, village, town sanitary district, or public inland
lake protection and rehabilitation district may commence action under s. 66.0114 (1)
and a county or town may commence action under s. 778.10. The citation may be used
as the complaint in the action for the collection of the forfeiture, penalty assessment,
law enforcement training fund assessment, jail assessment, and crime laboratories
and drug law enforcement assessment, any applicable consumer information
protection assessment, and any applicable domestic abuse assessment. If the court
considers the nonappearance to be a plea of no contest and enters judgment
accordingly, the court shall promptly mail a copy or notice of the judgment to the
defendant. The judgment shall allow the defendant not less than 20 days from the
date of the judgment to pay any forfeiture, penalty assessment, law enforcement
training assessment, jail assessment, and crime laboratories and drug law
enforcement assessment, any applicable consumer information protection
assessment, and any applicable domestic abuse assessment imposed. If the
defendant moves to open the judgment within 6 months after the court appearance
date fixed in the citation, and shows to the satisfaction of the court that the failure
to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court
shall reopen the judgment, accept a not guilty plea and set a trial date.

SECTION 2011. 66.0114 (1) (b) of the statutes is amended to read:

66.0114 (1) (b) Local ordinances, except as provided in this paragraph or ss.
345.20 to 345.53, may contain a provision for stipulation of guilt or no contest of any
or all violations under those ordinances, may designate the manner in which the
stipulation is to be made and may fix the penalty to be paid. When a person charged
with a violation for which stipulation of guilt or no contest is authorized makes a
timely stipulation, pays the required penalty and pays the penalty assessment
imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1) to the designated official, the person need not appear in court and no witness fees or other additional costs may be taxed unless the local ordinance so provides. A court appearance is required for a violation of a local ordinance in conformity with s. 346.63 (1).

**SECTION 2013.** 66.0114 (1) (bm) of the statutes is amended to read:

66.0114 (1) (bm) The official receiving the penalties shall remit all moneys collected to the treasurer of the city, village, town sanitary district, or public inland lake protection and rehabilitation district in whose behalf the sum was paid, except that all jail assessments shall be remitted to the county treasurer, within 20 days after its receipt by the official. If timely remittance is not made, the treasurer may collect the payment of the officer by action, in the name of the office, and upon the official bond of the officer, with interest at the rate of 12% per year from the date on which it was due. In the case of the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the driver improvement surcharge imposed by s. 346.655 (1), any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1), the treasurer of the city, village, town sanitary district, or public inland lake protection and rehabilitation district shall remit to the state treasurer the amount required by law to be paid on the actions entered during the preceding month on or before the first day of the next
succeeding month. The governing body of the city, village, town sanitary district, or public inland lake protection and rehabilitation district shall by ordinance designate the official to receive the penalties and the terms under which the official qualifies.

**SECTION 2014.** 66.0114 (3) (b) of the statutes is amended to read:

66.0114 (3) (b) All forfeitures and penalties recovered for the violation of an ordinance or bylaw of a city, village, town, town sanitary district, or public inland lake protection and rehabilitation district shall be paid into the city, village, town, town sanitary district, or public inland lake protection and rehabilitation district treasury for the use of the city, village, town, town sanitary district, or public inland lake protection and rehabilitation district, except as provided in par. (c), and sub. (1) (bm) and s. 757.05. The judge shall report and pay into the treasury, quarterly, or at more frequent intervals if required, all moneys collected belonging to the city, village, town, town sanitary district, or public inland lake protection and rehabilitation district. The report shall be certified and filed in the office of the treasurer. The judge is entitled to duplicate receipts, one of which he or she shall file with the city, village, or town clerk, or with the town sanitary district or the public inland lake protection and rehabilitation district.

**SECTION 2015.** 66.0203 (8) (b) of the statutes is amended to read:

66.0203 (8) (b) On the basis of the hearing the circuit court shall find if the standards under s. 66.0205 are met. If the court finds that the standards are not met, the court shall dismiss the petition. If the court finds that the standards are met the court shall refer the petition to the department and Upon payment of any fee imposed under s. 16.53 (14), the department shall determine whether the standards under s. 66.0207 are met.

**SECTION 2016.** 66.0203 (9) (a) of the statutes is amended to read:
66.0203 (9) (a) Upon receipt of the petition from the circuit court and payment of any fee imposed under s. 16.53 (14), the department shall make any necessary investigation to apply the standards under s. 66.0207.

**SECTION 2017.** 66.0203 (9) (b) of the statutes is amended to read:

66.0203 (9) (b) Within 20 days after the receipt by the department of the petition from the circuit court and payment of any fee imposed under s. 16.53 (14), whichever is later, any party in interest may request a hearing. Upon receipt of the request, the department shall schedule a hearing at a place in or convenient to the territory sought to be incorporated.

**SECTION 2018.** 66.0203 (9) (d) of the statutes is amended to read:

66.0203 (9) (d) Unless the court sets a different time limit, the department shall prepare its findings and determination, citing the supporting evidence, within 90 days after receipt of the referral from the court and payment of any fee imposed under s. 16.53 (14), whichever is later. The findings and determination shall be forwarded by the department to the circuit court. Copies of the findings and determination shall be sent by certified or registered mail to the designated representative of the petitioners, and to all town and municipal clerks entitled to receive mailed notice of the petition under sub. (4).

**SECTION 2019.** 66.0217 (6) (a) of the statutes is amended to read:

66.0217 (6) (a) **Annexations within populous counties.** No annexation proceeding within a county having a population of 50,000 or more is valid unless the person publishing a notice of annexation under sub. (4) mails a copy of the notice to the clerk of each municipality affected and the department, together with any fee imposed under s. 16.53 (14), within 5 days of the publication. The department may within 20 days after receipt of the notice mail to the clerk of the town within which
the territory lies and to the clerk of the proposed annexing village or city a notice that
in its opinion the annexation is against the public interest and that advises the clerks
of the reasons the annexation is against the public interest as defined in par. (c). The
annexing municipality shall review the advice before final action is taken.

SECTION 2020. 66.0309 (8m) of the statutes is created to read:

66.0309 (8m) AUTHORITY TO ACQUIRE REAL PROPERTY. A regional planning
commission may acquire and hold real property for public use and may convey and
dispose of the property.

SECTION 2021. 66.0627 (title) of the statutes is amended to read:

66.0627 (title) Special charges for current services.

SECTION 2022. 66.0627 (2) of the statutes is amended to read:

66.0627 (2) Except as provided in sub. (5), the governing body of a city, village
or town may impose a special charge against real property for current services that
are available, regardless of whether the services are actually rendered, by allocating
all or part of the cost of the service to the property that is served or that is eligible
to be served. The authority under this section is in addition to any other method
provided by law.

SECTION 2023. 66.0707 (2) of the statutes is amended to read:

66.0707 (2) A city, village or town may impose a special charge under s. 66.0627
against real property in an adjacent city, village or town that is served by current
services that are available, regardless of whether the services are actually rendered
by the municipality imposing the special charge if the municipality in which the
property is located approves the imposition by resolution. The owner of the property
is entitled to the use and enjoyment of the service for which the special charge is
imposed on the same conditions as the owner of property within the city, village or
town.

SECTION 2024. 66.0807 (2) of the statutes is amended to read:

66.0807 (2) A city, village or town served by a privately owned public utility,
motor bus or other systems of public transportation rendering local service may
contract with the owner of the utility or system for the leasing, public operation, joint
operation, extension and improvement of the utility or system by the municipality;
or, with funds loaned by the municipality, may contract for the stabilization by
municipal guaranty of the return upon or for the purchase by instalments out of
earnings or otherwise of that portion of the public utility or system which is operated
within the municipality and any territory immediately adjacent and tributary to the
municipality; or may contract for the accomplishment of any object agreed upon
between the parties relating to the use, operation, management, value, earnings,
purchase, extension, improvement, sale, lease or control of the utility or system
property. The provisions of s. 66.0817, 1999 stats., relating to preliminary agreement
and approval by the department of transportation or public service commission apply
to the contracts authorized by this section. The department of transportation or
public service commission shall, when a contract under this section is approved by
it and consummated, cooperate with the parties in respect to making valuations,
appraisals, estimates and other determinations specified in the contract to be made
by it.

SECTION 2025. 66.0817 (intro.) of the statutes is renumbered 66.0817 and
amended to read:
66.0817 Sale or lease of municipal public utility plant. A town, village or city, village, or town may sell or lease any complete public utility plant owned by it in any manner that it considers appropriate.

SECTION 2026. 66.0817 (1) to (7) of the statutes are repealed.

SECTION 2027. 66.0921 (2) of the statutes is amended to read:

66.0921 (2) FACILITIES AUTHORIZED. A municipality may enter into a joint contract with a nonprofit corporation organized for civic purposes and located in the municipality to construct or otherwise acquire, equip, furnish, operate and maintain a facility to be used for municipal and civic activities if a majority of the voters voting in a referendum authorize the municipality to enter into the joint contract. The referendum shall be held at a special election or at a spring primary or election or September primary or general election to approve the question of entering into the joint contract or, if the municipality is a school district, at the next spring election or general election to be held not earlier than 42 days after submittal of the issue or at a special election held on the Tuesday after the first Monday in November in an odd-numbered year if that date occurs not earlier than 42 days after submittal of the issue.

SECTION 2028. 66.1001 (3) (rm) of the statutes is created to read:

66.1001 (3) (rm) Area cooperation compacts under s. 79.065 (4).

SECTION 2029. 66.1103 (10) (g) of the statutes is repealed.

SECTION 2030. 66.1106 (1) (e) of the statutes is amended to read:

66.1106 (1) (e) “Environmental remediation tax increment” means that amount obtained by multiplying the total city, county, school and other local general property taxes levied on a parcel of real property that is certified under this section taxable property in a year by a fraction having as a numerator the environmental
remediation value increment for that year for that parcel in such district and as a
denominator that year’s equalized value of that parcel taxable property. In any year, an environmental remediation tax increment is “positive” if the environmental remediation value increment is positive; it is “negative” if the environmental remediation value increment is negative.

SECTION 2031. 66.1106 (1) (f) of the statutes is amended to read:

66.1106 (1) (f) “Environmental remediation tax incremental base” means the aggregate value, as equalized by the department, of a parcel of real taxable property that is certified under this section as of the January 1 preceding the date on which the department of natural resources issues a certificate certifying that environmental pollution on the property has been remediated in accordance with rules promulgated by the department of natural resources environmental remediation tax incremental district is created, as determined under sub. (1m) (b).

SECTION 2032. 66.1106 (1) (fm) of the statutes is created to read:

66.1106 (1) (fm) “Environmental remediation tax incremental district” means a contiguous geographic area within a political subdivision defined and created by resolution of the governing body of the political subdivision consisting solely of whole units of property as are assessed for general property tax purposes, other than railroad rights-of-way, rivers, or highways. Railroad rights-of-way, rivers, or highways may be included in an environmental remediation tax incremental district only if they are continuously bounded on either side, or on both sides, by whole units of property as are assessed for general property tax purposes which are in the environmental remediation tax incremental district. “Environmental remediation tax incremental district” does not include any area identified as a wetland on a map under s. 23.32.
Section 2033. 66.1106 (1) (g) of the statutes is amended to read:

66.1106 (1) (g) “Environmental remediation value increment” means the equalized value of a parcel of real taxable property that is certified under this section minus the environmental remediation tax incremental base. In any year, the environmental remediation value increment is “positive” if the environmental remediation tax incremental base of the parcel of taxable property is less than the aggregate value of the parcel of taxable property as equalized by the department; it is “negative” if that base exceeds that aggregate value.

Section 2034. 66.1106 (1) (i) of the statutes is amended to read:

66.1106 (1) (i) “Period of certification” means a period of not more than 16 years beginning after the department certifies the environmental remediation tax incremental base of a parcel of property under sub. (4) or a period before all eligible costs have been paid, whichever occurs first.

Section 2035. 66.1106 (1) (jm) of the statutes is created to read:

66.1106 (1) (jm) “Project expenditures” means the sum of eligible costs and all other costs incurred by a political subdivision in the creation and operation of an environmental remediation tax incremental district.

Section 2036. 66.1106 (1) (k) of the statutes is amended to read:

66.1106 (1) (k) “Taxable property” means all real and personal taxable property located in an environmental remediation tax incremental district.

Section 2037. 66.1106 (1m) of the statutes is created to read:

66.1106 (1m) Creation of environmental remediation tax incremental districts. In order to implement the provisions of this section, the governing body of the political subdivision shall adopt a resolution which does all of the following:
(a) Describes the boundaries of an environmental remediation tax incremental district with sufficient definiteness to identify with ordinary and reasonable certainty the territory included within the district.

(b) Creates such district as of a date therein provided. If the resolution is adopted during the period between January 2 and September 30, then such date shall be the next preceding January 1. If such resolution is adopted during the period between October 1 and December 31, then such date shall be the next subsequent January 1. If the resolution is adopted on January 1, the environmental remediation tax incremental district shall have been created as of the date of the resolution.

SECTION 2038. 66.1106 (2) (a) of the statutes is amended to read:

66.1106 (2) (a) A political subdivision that develops, and whose governing body approves, a written proposal to remediate environmental pollution may use an environmental remediation tax increment to pay the eligible costs of remediating environmental pollution on contiguous parcels of property that are located in an environmental remediation tax incremental district within the political subdivision and that are not part of a tax incremental district created under s. 66.1105, as provided in this section, except that a political subdivision may use an environmental remediation tax increment to pay the cost of remediating environmental pollution of groundwater without regard to whether the property above the groundwater is owned by the political subdivision. No political subdivision may submit an application to the department under sub. (4) until the joint review board approves the political subdivision's written proposal under sub. (3).

SECTION 2039. 66.1106 (4) (intro.) of the statutes is amended to read:

66.1106 (4) CERTIFICATION. (intro.) Upon written application to the department of revenue by the clerk of a political subdivision on or before April 1 of the year
following the year in which the certification described in par. (a) is received from the department of natural resources  December 31 of the year the environmental remediation tax incremental district is created, as determined under sub. (1m) (b), except that if the environmental remediation tax incremental district is created during the period between October 1 and December 31, on or before December 31 of the following year, the department of revenue shall certify to the clerk of the political subdivision the environmental remediation tax incremental base of a parcel of real property if all of the following apply:

**SECTION 2040.** 66.1106 (4) (b) of the statutes is amended to read:

66.1106 (4) (b) The political subdivision submits a statement that all taxing jurisdictions with the authority to levy general property taxes on the parcel or contiguous parcels of property have been notified that the political subdivision intends to recover the costs of remediating environmental pollution on the property and have been provided a statement of the estimated costs to be recovered.

**SECTION 2041.** 66.1106 (7) (a) of the statutes is amended to read:

66.1106 (7) (a) Subject to pars. (b), (c) and (d), the department shall annually authorize the positive environmental remediation tax increment with respect to a parcel or contiguous parcels of property during the period of certification to the political subdivision that incurred the costs to remediate environmental pollution on the property, except that an authorization granted under this paragraph does not apply after the department receives the notice described under sub. (10) (b).

**SECTION 2042.** 66.1106 (7) (d) 1. of the statutes is amended to read:

66.1106 (7) (d) 1. The department may not authorize a positive environmental remediation tax increment under par. (a) to pay otherwise eligible costs that are
incurred by the political subdivision after the department of natural resources
certifies to the department of revenue that environmental pollution on the parcel or
contiguous parcels of property has been remediated unless the costs are associated
with activities, as determined by the department of natural resources, that are
necessary to close the site described in the site investigation report.

SECTION 2043. 66.1106 (9) of the statutes is amended to read:

66.1106 (9) SEPARATE ACCOUNTING REQUIRED. An environmental remediation tax
increment received with respect to a parcel or contiguous parcels of land that is
subject to this section shall be deposited in a separate fund by the treasurer of the
political subdivision. No money may be paid out of the fund except to pay eligible
costs for a parcel or contiguous parcels of land, or to reimburse the political
subdivision for such costs or to satisfy claims of holders of bonds or notes issued to
pay eligible costs. If an environmental remediation tax increment that has been
collected with respect to a parcel of land remains in the fund after the period of
certification has expired, it shall be paid to the treasurers of the taxing jurisdictions
in which the parcel is located in proportion to the relative share of those taxing
jurisdictions in the most recent levy of general property taxes on the parcel.

SECTION 2044. 66.1106 (10) (a) of the statutes is amended to read:

66.1106 (10) (a) Prepare and make available to the public updated annual
reports describing the status of all projects to remediate environmental pollution
funded under this section, including revenues and expenditures. A copy of the report
shall be sent to all taxing jurisdictions with authority to levy general property taxes
on the parcel or contiguous parcels of property by May 1 annually.

SECTION 2045. 66.1106 (10) (b) of the statutes is amended to read:
66.1106 (10) (b) Notify the department within 10 days after the period of certification for a parcel or contiguous parcels of property has expired.

Section 2046. 66.1106 (10) (c) of the statutes is created to read:

66.1106 (10) (c) Not later than 12 months after the last expenditure is made or not later than 12 months after an expenditure may be made under sub. (2) (b), whichever comes first, prepare and make available to the public a report that is similar to the report required under par. (a), except that the report required under this paragraph shall also include an independent certified audit of each project to determine if all financial transactions were made in a legal manner and to determine if each environmental remediation tax incremental district complied with this section. A copy of the report shall be sent out to all taxing jurisdictions which received the reports under par. (a).

Section 2047. 66.1106 (10) (d) of the statutes is created to read:

66.1106 (10) (d) Not later than 180 days after an environmental remediation tax incremental district terminates under sub. (11), provide the department with all of the following on a form that is prescribed by the department:

1. A final accounting of project expenditures that are made for an environmental remediation tax incremental district.

2. The final amount of eligible costs that have been paid for an environmental remediation tax incremental district.

3. The total amount of environmental remediation tax increments that have been paid to the political subdivision.

Section 2048. 66.1106 (11) of the statutes is created to read:
66.1106 (11) Termination of environmental remediation tax incremental districts. An environmental remediation tax incremental district terminates when the earlier of the following occurs:

(a) That time when the political subdivision has received aggregate environmental remediation tax increments with respect to the district in an amount equal to the aggregate of all eligible costs.

(b) Sixteen years after the department certifies the environmental remediation tax incremental base of a parcel or contiguous parcels of property under sub. (4).

(c) The political subdivision’s legislative body, by resolution, dissolves the district at which time the political subdivision becomes liable for all unpaid eligible costs actually incurred which are not paid from the separate fund under sub. (9).

Section 2049. 66.1106 (12) of the statutes is created to read:

66.1106 (12) (a) Notice of district termination. A political subdivision which creates a tax incremental district under this section shall give the department written notice within 10 days of the termination of the environmental remediation tax incremental district under sub. (11).

(b) If the department receives a notice under par. (a) during the period from January 1 to May 15, the effective date of the notice is the date the notice is received. If the notice is received during the period from May 16 to December 31, the effective date of the notice is the first January 1 after the department receives the notice.

Section 2050. 66.1305 (2) (a) 2. of the statutes is amended to read:

66.1305 (2) (a) 2. “Technology-based Community-based business incubator” has the meaning given in s. 560.14 (1) (h) 560.143 (1) (a).

Section 2051. 66.1305 (2) (c) 1. of the statutes is amended to read:
66.1305 (2) (c) 1. Study the feasibility and initial design for a technology-based community-based business incubator in the development area where the redevelopment corporation operates.

SECTION 2052. 66.1305 (2) (c) 2. of the statutes is amended to read:

66.1305 (2) (c) 2. Develop and operate a technology-based community-based business incubator in the development area where the redevelopment corporation operates.

SECTION 2053. 66.1305 (2) (c) 3. of the statutes is amended to read:

66.1305 (2) (c) 3. Apply for a grant under s. 560.14 (3) in connection with a technology-based community-based business incubator.

SECTION 2054. 66.1333 (2m) (d) 8. of the statutes is amended to read:

66.1333 (2m) (d) 8. Studying the feasibility of an initial design for a technology-based community-based business incubator, developing and operating a technology-based community-based business incubator and applying for a grant under s. 560.14 (3) in connection with a technology-based community-based business incubator.

SECTION 2055. 66.1333 (2m) (t) of the statutes is renumbered 66.1333 (2m) (f) and amended to read:

66.1333 (2m) (f) “Technology-based Community-based business incubator” has the meaning given in s. 560.14 (1) (a).

SECTION 2056. 67.05 (6a) (a) 2. a. of the statutes is amended to read:

67.05 (6a) (a) 2. a. Direct the school district clerk to call a special election referendum for the purpose of submitting the resolution to the electors for approval or rejection, or direct that the resolution be submitted at the next regularly scheduled primary or spring election or general election to be held not earlier than
45 days after the adoption of the resolution or at a special election held on the Tuesday after the first Monday in November in an odd-numbered year if that date occurs not earlier than 45 days after the adoption of the resolution. The resolution shall not be effective unless adopted by a majority of the school district electors voting at the referendum.

**SECTION 2057.** 69.01 (6g) of the statutes is created to read:

69.01 (6g) “Date of death” means the date that a person is pronounced dead by a physician, coroner, deputy coroner, medical examiner, or deputy medical examiner.

**SECTION 2058.** 69.01 (16m) of the statutes is created to read:

69.01 (16m) “Medical certification” means those portions of a death certificate that provide the cause of death, the manner of death, injury-related data, and any other medically-related data that is collected as prescribed by the state registrar under s. 69.18 (1m) (c) 2.

**SECTION 2059.** 69.01 (22) of the statutes is amended to read:

69.01 (22) “Research” means a systematic study through scientific inquiry for the purpose of expanding a field of knowledge, including but not limited to environmental or epidemiological research or special studies, that is conducted by persons who meet criteria for access that are specified in rules promulgated under s. 69.20 (4).

**SECTION 2060.** 69.01 (26) of the statutes is renumbered 69.01 (26) (intro.) and amended to read:

69.01 (26) (intro.) “Vital records” means certificates any of the following:

(a) Certificates of birth, death, and divorce or annulment, and marriage documents and data.
(c) Data related thereto to documents under par. (a) or worksheets or electronic transmissions under par. (b).

**SECTION 2061.** 69.01 (26) (b) of the statutes is created to read:

69.01 (26) (b) Worksheets or electronic transmissions that use forms or electronic file formats that are approved by the state registrar and are related to documents under par. (a).

**SECTION 2062.** 69.03 (5) of the statutes is amended to read:

69.03 (5) Under this subchapter, accept for registration, assign a date of acceptance, and index and preserve original certificates of birth and death, original marriage documents and original divorce reports. Indexes prepared for public use under s. 69.20 (3) (e) shall consist of the registrant’s full name, date of the event, county of occurrence, county of residence, and, at the discretion of the state registrar, state file number. Notwithstanding s. 69.24 (1) (e), the state registrar may transfer the paper original of a vital record to optical disc or electronic format in accordance with s. 16.61 (5) or to microfilm reproduction in accordance with s. 16.61 (6) and destroy the paper original of any vital record that is so converted. For the purposes of this subchapter, the electronic format version or microfilm reproduction version of the paper original of a vital record that has been transferred under this subsection shall serve as the original vital record.

**SECTION 2063.** 69.06 (2) of the statutes is amended to read:

69.06 (2) Make, file, and index an exact copy of every certificate accepted under sub. (1). Indexes prepared for public use under s. 69.20 (3) (e) shall consist of the registrant’s full name, date of the event, county of occurrence, county of residence, and, at the discretion of the state registrar, local file number.

**SECTION 2064.** 69.07 (2) of the statutes is amended to read:
69.07 (2) Make, file, and index an exact copy of every vital record accepted under sub. (1) or received under s. 69.05 (3). Indexes prepared for public use under s. 69.20 (3) (e) shall consist of the registrant’s full name, date of the event, county of occurrence, county of residence, and, at the discretion of the state registrar, local file number.

**SECTION 2065.** 69.08 of the statutes is renumbered 69.08 (1), and 69.08 (1) (a), as renumbered, is amended to read:

69.08 (1) (a) Is on a form prescribed or supplied for the record by the state registrar.

**SECTION 2066.** 69.08 (2m) of the statutes is created to read:

69.08 (2m) Subsection (1) does not prohibit electronic filing of a vital record under the system of vital statistics.

**SECTION 2067.** 69.11 (3) (b) 2. of the statutes is amended to read:

69.11 (3) (b) 2. Cause of death, if the vital record is a death certificate and if the amendment is accompanied by a statement which that the person who signed the medical certificate part of the death certificate under s. 69.18 (2) certification has submitted to support the amendment.

**SECTION 2068.** 69.11 (3) (b) 3. of the statutes is repealed.

**SECTION 2069.** 69.11 (4) (b) of the statutes is amended to read:

69.11 (4) (b) If 365 days have elapsed since the occurrence of the event which is the subject of a birth certificate, the state registrar may amend an item on the a birth certificate which that affects information about the name, sex, date of birth, place of birth, parents’ surnames parent’s name, or marital status of the mother on a birth certificate if 365 days have elapsed since the occurrence of the event that is the subject of the birth certificate, if the amendment is at the request of a person with
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a direct and tangible interest in the record and is on a request form supplied by the state registrar, and if the amendment is accompanied by 2 items of documentary evidence from early childhood that are sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment. A change in the marital status on the birth certificate may be made under this paragraph only if the marital status is inconsistent with information concerning the father or husband that appears on the birth certificate. This paragraph may not be used to add to or delete from a birth certificate the name of a parent or to change the identity of a parent named on the birth certificate.

Section 2070. 69.11 (5) (a) 2. of the statutes is repealed and recreated to read:

69.11 (5) (a) 2. If the amendment changes the information on the vital record, do all of the following:

a. Record the correct information in the relevant area of the vital record.

b. Maintain legibility of the changed information by placing a single line through the changed entry, by recording the changed information elsewhere on the legal portion of the vital record, or both.

c. Make a notation on the vital record that clearly states that the vital record has been amended and that gives the number of the item corrected, the date of the correction, and the source of the amending information.

d. Initial the amendment notation specified in subd. 2. c.

Section 2071. 69.12 (5) of the statutes is created to read:

69.12 (5) A change in the marital status on the certificate of birth may be requested under this section only if the marital status is inconsistent with father or husband information appearing on the certificate of birth. This section may not be
used to add or delete the name of a parent on the certificate of birth or change the
identity of either parent named on the certificate of birth.

**SECTION 2072.** 69.13 of the statutes is created to read:

69.13 *Correction of facts misrepresented by informant for certificate of birth.* The state registrar may, under an order issued by the circuit court of the county in which a birth occurred, correct information about the parent or the marital status of the mother on a certificate of birth that is registered in this state if all of the following conditions apply:

1) The correction may not be accomplished under s. 69.11, 69.12, or 69.15 because the disputed information was misrepresented by the informant during the preparation of the birth certificate.

2) The state registrar receives, on a form prescribed by the state registrar, a court order that is accompanied by all of the following:

a) A petition for correction filed by a person with a direct and tangible interest in the certificate of birth.

b) Certification that all of the following supporting evidence, as listed by the court in the order, was presented in addition to oral testimony:

1. A certified copy of the original certificate of birth.

2. If the birth occurred in a hospital, a copy of the birth worksheet and any other supporting documentation from the hospital.

3. If the birth did not occur in a hospital, a statement from the birth attendant.

4. If relevant to the correction sought, a certified copy of a marriage document, a certified copy of a certificate of divorce or annulment or a final divorce decree that indicates that the mother was not married to the person listed as her husband at any
time during the pregnancy, a legal name change order, or any other legal document that clarifies the disputed information.

5. A statement signed by the certificate of birth informant or the petitioner acknowledging that the disputed information was misrepresented.

(c) The supporting evidence specified in par. (b) 1. to 5.

(d) The fee specified under s. 69.22 (5) (b) 1.

SECTION 2073. 69.14 (1) (a) 1. of the statutes is amended to read:

69.14 (1) (a) 1. Except as provided under subd. 2., a certificate of birth for every birth that occurs in this state shall be filed in the registration district in which the birth occurs within 5 days after the birth and shall be registered with the state registrar, who shall register the birth under this subchapter and shall make a copy of the certificate of birth available to the registration district in which the birth occurred and the registration district in which the mother of the registrant resided at the time of the birth.

SECTION 2074. 69.14 (1) (cm) of the statutes is amended to read:

69.14 (1) (cm) Information concerning paternity. For a birth which occurs en route to or at a hospital, the filing party shall give the mother a copy of the pamphlet under s. 69.03 (14). If the child’s parents are not married at the time of the child’s birth, the filing party shall give the mother a copy of the form prescribed by the state registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained, designated hospital staff provide to the child’s available parents oral information or an audio or video presentation and written information about the form and the significance and benefits of, and alternatives to, establishing paternity, before the parents sign the form. The filing party shall also provide an opportunity to complete the form and have the form notarized in the hospital. If the mother provides a
completed form to the filing party while she is a patient in the hospital and within
5 days after the birth, the filing party shall send the form directly to the state
registrar. From the appropriation under s. 20.445 (3) (me) (dz), the department of
workforce development shall pay the filing party a financial incentive for correctly
filing a form within 60 days after the child’s birth.

**SECTION 2075.** 69.15 (1) (b) of the statutes is amended to read:

69.15 (1) (b) A clerk of court or, for a paternity action, a clerk of court or county
child support agency under s. 59.53 (5), sends the state registrar a certified report
of an order of a court in this state on a form supplied by the state registrar or, in the
case of any other order, the state registrar receives a certified copy of the order and
the proper fee under s. 69.22.

**SECTION 2076.** 69.17 of the statutes is amended to read:

69.17 **Divorce report.** At the end of every biweekly period, the clerk of any
court which conducts divorce proceedings under ch. 767 shall forward to the state
registrar, on a form supplied by the state registrar or in an electronic format that is
approved by the state registrar, a report of every divorce or annulment of marriage
granted during the biweekly period. The form supplied by the state registrar shall
require that the social security numbers of the parties to the divorce or annulment
and the social security number of any child of the parties be provided.

**SECTION 2077.** 69.18 (1) (bm) (intro.) of the statutes is amended to read:

69.18 (1) (bm) (intro.) A person required to file a certificate of death under par.
(b) shall obtain the information required for the certificate of death from the next of
kin or the best qualified person or source available. The person filing the certificate
of death shall enter his or her signature on the certificate and include his or her
address and the date of signing and shall present or mail the certificate, within 24
hours after being notified of the death, to the physician, coroner or medical examiner
responsible for completing and signing the medical certification under sub. (2). Within 2 days after receipt of the medical certification under sub. (2), the person filing the certificate of death shall mail or present the certificate of death in:

**SECTION 2078.** 69.18 (1) (c) of the statutes is amended to read:

69.18 (1) (c) A hospital or, a nursing home, as defined in s. 50.01 (3), or a hospice, as defined in s. 50.90 (1), which is the place of death of a person may prepare a certificate of death for the person and give the certificate to the person who moves the corpse under par. (a).

**SECTION 2079.** 69.18 (1) (d) of the statutes is amended to read:

69.18 (1) (d) A hospital or, nursing home, or hospice, as defined in s. 50.90 (1) (c), may not release a corpse to any person under par. (a) unless the person presents a notice of removal on a form prescribed by the state registrar, in duplicate, to the administrator of the hospital or, nursing home, or hospice. The administrator shall retain one copy and forward the other copy to the local registrar of the registration district in which the hospital or, nursing home, or hospice is located or shall transmit the data electronically in a manner and format that is prescribed by the state registrar.

**SECTION 2080.** 69.18 (1m) of the statutes is created to read:

69.18 (1m) FORMAT. Beginning on January 1, 2003, a certificate of death shall consist of the following parts:

(a) Fact-of-death information, which shall include all of the following:

1. The name and other identifiers of the decedent, including the decedent’s social security number, if any.

2. The date, time, and place that the decedent was pronounced dead.
3. The manner of the decedent’s death.
4. The identity of the person certifying the death.
5. The dates of certification and filing of the certificate of death.

(b) Extended fact-of-death information, which includes all of the following:
1. All information under par. (a).
2. Information on final disposition and cause of death.
3. Injury-related data.

(c) Statistical-use-only information, which includes all of the following:
1. All information other than that under par. (b) that is collected on the standard death record form recommended by the federal agency responsible for national vital statistics.
2. Other data, as directed by the state registrar, including race, educational background, and health risk behavior.

SECTION 2081. 69.18 (2) (a) of the statutes is amended to read:

69.18 (2) (a) On the form for a certificate of death prescribed by the state registrar under sub. (1) (b), the state registrar shall provide for a separate medical certification section to be completed under this subsection.

SECTION 2082. 69.18 (2) (d) 1. of the statutes is amended to read:

69.18 (2) (d) 1. Except as provided under par. (e), if a death is the subject of a coroner’s or medical examiner’s determination under s. 979.01 or 979.03, the coroner or medical examiner or a physician supervised by a coroner or medical examiner in the county where the event which caused the death occurred shall complete and sign the medical certification part of the death certificate for the death and mail the death certificate within 5 days after the pronouncement of death or present the certificate
to the person responsible for filing the death certificate under sub. (1) within 6 days
after the pronouncement of death.

SECTION 2083. 69.18 (2) (d) 2. of the statutes is amended to read:

69.18 (2) (d) 2. Except as provided under par. (e), if the decedent was not under
the care of a physician for the illness or condition from which the person died, the
coroner or medical examiner, or a physician supervised by a coroner or medical
examiner, in the county of the place of death shall complete and sign the medical
certification part of the death certificate for the death and mail the death certificate
within 5 days after the pronouncement of death or present the certificate to the
person responsible for filing the death certificate under sub. (1) within 6 days after
the pronouncement of death.

SECTION 2084. 69.18 (3) (a) of the statutes is amended to read:

69.18 (3) (a) Except as provided under par. (c) or (e), the person who has moved
a corpse under sub. (1) (a) shall complete a report for final disposition, on a form
supplied by the state registrar, and, within 24 hours after being notified of the death,
mail or present a copy of the report or transmit the data electronically in a manner
and format prescribed by the state registrar to the coroner or medical examiner in
the county of the place of death and mail or present a copy or transmit the data
electronically in a manner and format prescribed by the state registrar to the local
registrar in the registration district of the place of death. If the cause of death is
subject to an investigation under s. 979.01 or 979.03, the report for final disposition
shall be submitted to the coroner or medical examiner in the county in which the
event which caused the death occurred.

SECTION 2085. 69.20 (2) (a) of the statutes is renumbered 69.20 (2) (a) (intro.)
and amended to read:
69.20 (2) (a) (intro.) Except as provided under sub. (3), information in the part of a birth certificate, of birth or divorce or annulment or a marriage document or divorce report that is designated on the form as being collected for statistical or medical and statistical use only and information in the part of a death certificate that is designated on the form as being collected as statistical−use−only information under s. 69.18 (1m) (c) may not be disclosed to any person except the subject following:

1. The subject of the information, or, if the subject is a minor, to his or her parent or guardian.

**SECTION 2086.** 69.20 (2) (a) 2. of the statutes is created to read:

69.20 (2) (a) 2. For a certificate of death, any of the persons specified under s. 69.18 (4) (a) 1. to 6. or an individual who is authorized in writing by one of the persons.

**SECTION 2087.** 69.20 (2) (c) of the statutes is created to read:

69.20 (2) (c) Except as provided under sub. (3), until 50 years after a decedent’s date of death, the state registrar and a local registrar may not permit inspection of or disclose information contained in the portion under s. 69.18 (1m) (b) 2. and 3. of the certificate of death to anyone except to a person specified under s. 69.20 (1), or to a direct descendent of the decedent.

**SECTION 2088.** 69.20 (3) (e) of the statutes is repealed and recreated to read:

69.20 (3) (e) Public use indexes of certificates of birth, death, or divorce or annulment, or marriage documents that are filed in the system of vital statistics at the state or local level are accessible only by inspection at the office of the state registrar or of a local registrar and may not be copied or reproduced except as follows:
1. a. Certificate of birth index information may be copied or reproduced for the public only after 100 years have elapsed from the year in which the birth occurred. No information in the index that has been impounded under s. 69.15 may be released.

   b. Subdivision 1. a. does not apply to certificate of birth indexes of events that occurred before October 1, 1907.

2. Indexes of certificates of death or divorce or annulment may be copied or reproduced for the public after 24 months have elapsed from the year in which the event occurred.

3. Beginning January 1, 2003, any information that is obtained from an index under subd. 1. or 2. and that is released shall contain the following statement: “This information is not a legal vital record index. Inclusion of any information does not constitute legal verification of the fact of the event.”

**SECTION 2089.** 69.20 (4) of the statutes is amended to read:

69.20 (4) The Under procedures that are promulgated by rule, the state registrar and every local registrar shall protect vital records from mutilation, alteration or theft, or fraudulent use and shall protect the privacy rights of registrants and their families by strictly controlling direct access to any vital record filed or registered in paper or electronic form through procedures promulgated by rule.

**SECTION 2090.** 69.21 (1) (a) 2. b. of the statutes is amended to read:

69.21 (1) (a) 2. b. Any information of the part of a birth certificate, of birth, death, or divorce or annulment or a marriage document or divorce report, the disclosure of which is limited under s. 69.20 (2) (a) and (c), unless the requester is the subject of the information or, for a decedent, unless the requester is specified in s. 69.20 (2) (a).
SECTION 2091. 69.21 (1) (b) 4. of the statutes is amended to read:

69.21 (1) (b) 4. Any copy of a death certificate issued under par. (a) for a death that occurred before January 1, 2003, shall include, without limitation due to enumeration, the name, sex, date and place of death, age or birth date, cause and manner of death, and social security number, if any, of the decedent, and the file number and the file date of the certificate, except that a requester may, upon request, obtain a copy that does not include the cause of death.

SECTION 2092. 69.21 (1) (b) 5. of the statutes is created to read:

69.21 (1) (b) 5. A copy of a death certificate issued under par. (a) for a death that occurs after December 31, 2002, shall be on a form that contains only fact-of-death information specified in s. 69.18 (1m) (a), except that a requester may, upon request, obtain a form that contains extended fact-of-death information specified in s. 69.18 (1m) (b).

SECTION 2093. 69.22 (1) (intro.) of the statutes is amended to read:

69.22 (1) (intro.) The Except as provided in sub. (6), the state registrar and any local registrar acting under this subchapter shall collect the following fees:

SECTION 2094. 69.22 (1) (a) of the statutes is amended to read:

69.22 (1) (a) Except as provided under par. (c), $7 for issuing one certified copy of a vital record and $2 $3 for any additional certified copy of the same vital record issued at the same time.

SECTION 2095. 69.22 (1) (b) of the statutes is amended to read:

69.22 (1) (b) Except as provided under par. (c), $7 for any uncertified copy of a vital record issued under s. 69.21 (2) (a) or (b) or for verifying information submitted by a requester without issuance of a copy and $3 for any additional uncertified copy of the same vital record issued at the same time.
**SECTION 2096.** 69.22 (1) (d) of the statutes is created to read:

69.22 (1) (d) In addition to other fees under this subchapter, $10 for expedited service in issuing a vital record.

**SECTION 2097.** 69.22 (5) (a) 2. of the statutes is amended to read:

69.22 (5) (a) 2. Making alterations any change ordered by a court under s. 69.12 (3) or 69.15 (4) (a).

**SECTION 2098.** 69.22 (5) (a) 3. of the statutes is amended to read:

69.22 (5) (a) 3. Making alterations any change in a birth certificate under s. 69.15 (3) or (3m).

**SECTION 2099.** 69.22 (5) (b) 1. of the statutes is amended to read:

69.22 (5) (b) 1. Any new vital record registered under s. 69.12 (4), 69.14 (2) (b), 69.15 (1), (2), (3) or (4) (3m), (4) (b), or (6), 69.16 (2), or 69.19, or any corrected vital record registered under s. 69.13.

**SECTION 2100.** 69.22 (6) of the statutes is amended to read:

69.22 (6) The state registrar may provide free search and free charge a reasonable fee for providing searches of vital records and for providing copies of vital records to state agencies for program use. The register of deeds may provide free searches and free copies to agencies in his or her county at the direction of the county board.

**SECTION 2101.** 69.24 (2) (b) of the statutes is amended to read:

69.24 (2) (b) Willfully and knowingly refuses to provide information required under this subchapter for a death certificate or for any part of a birth certificate which is not designated as the part for statistical or medical and statistical use or for a death certificate.

**SECTION 2102.** 70.11 (2) of the statutes is amended to read:
70.11 (2) Municipal property and property of certain districts, exception.
Property owned by any county, city, village, town, school district, technical college
district, public inland lake protection and rehabilitation district, metropolitan
sewerage district, municipal water district created under s. 198.22, joint local water
authority created under s. 66.0823, regional planning commission created under s.
66.0309, family care district under s. 46.2895, or town sanitary district; lands
belonging to cities of any other state used for public parks; land tax−deeded to any
county or city before January 2; but any residence located upon property owned by
the county for park purposes that is rented out by the county for a nonpark purpose
shall not be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d),
this exemption shall not apply to land conveyed after August 17, 1961, to any such
governmental unit or for its benefit while the grantor or others for his or her benefit
are permitted to occupy the land or part thereof in consideration for the conveyance.
Leasing the property exempt under this subsection, regardless of the lessee and the
use of the leasehold income, does not render that property taxable.

SECTION 2103. 70.11 (9) of the statutes is amended to read:

70.11 (9) Memorials. All memorial halls and the real estate upon which the
same are located, owned and occupied by any organization of United States war
veterans organized pursuant to act of congress and domesticated in this state
pursuant to the laws of this state, containing permanent memorial tablets with the
names of former residents of any given town, village, city or county who lost their
lives in the military or naval service of the state or the United States in any war
inscribed thereon, and all personal property owned by such organizations, and all
buildings erected, purchased or maintained by any county, city, town or village as
memorials under s. 45.05 or 45.055. The renting of such halls or buildings for public
purposes shall not render them taxable, provided that all income derived therefrom be used for the upkeep and maintenance thereof. Where such hall or building is used in part for exempt purposes and in part for pecuniary profit, it shall be assessed for taxation to the extent of such use for pecuniary profit as provided in s. 70.1105 (1).

**SECTION 2104.** 70.11 (21) (a) of the statutes is amended to read:

70.11 (21) (a) All property purchased or constructed as a waste treatment facility used for the treatment of industrial wastes, as defined in s. 281.01 (5), or air contaminants, as defined in s. 285.01 (1), but not for other wastes, as defined in s. 281.01 (7) and approved by the department of revenue, for the purpose of abating or eliminating pollution of surface waters, the air, or waters of the state if that property is not used to grow agricultural products for sale and, if the property's owner is taxed under ch. 76, if the property is approved by the department of revenue. For the purposes of this subsection, “industrial waste” also includes wood chips, sawdust, and other wood residue from the paper and wood products manufacturing process that can be used as fuel and would otherwise be considered superfluous, discarded, or fugitive material. The department of natural resources and department of health and family services shall make recommendations upon request to the department of revenue regarding such property. All property purchased or upon which construction began prior to July 31, 1975, shall be subject to s. 70.11 (21), 1973 stats.

**SECTION 2105.** 70.11 (21) (c) of the statutes is amended to read:

70.11 (21) (c) A prerequisite to exemption under this subsection for owners who are taxed under ch. 76 is the filing of a statement on forms prescribed by the department of revenue with the department of revenue. This statement shall be filed not later than January 15 of the year in which a new exemption is requested or in
which a waste treatment facility that has been granted an exemption is retired, replaced, disposed of, moved to a new location, or sold.

**SECTION 2106.** 70.11 (21) (d) of the statutes is amended to read:

70.11 (21) (d) The department of revenue shall allow an extension to February 15, or, if the owner is subject to tax under ch. 76, to a date determined by the department by rule, of the due date for filing the report form required under par. (c) if a written application for an extension, stating the reason for the request, is filed with the department of revenue before January 15.

**SECTION 2107.** 70.11 (21) (e) of the statutes is repealed.

**SECTION 2108.** 70.11 (21) (f) of the statutes is amended to read:

70.11 (21) (f) If property about which a statement has been filed under par. (c) is determined to be taxable, the owner may appeal that determination to the tax appeals commission under s. 73.01 (5) (a), except that assessments under s. 76.07 shall be appealed under s. 76.08 and except that assessments under s. 70.995 (5) shall be appealed under s. 70.995 (8).

**SECTION 2109.** 70.11 (41) of the statutes is created to read:

70.11 (41) Fox River Navigational System Authority. All property owned by the Fox River Navigational System Authority, provided that use of the property is primarily related to the purposes of the authority.

**SECTION 2110.** 70.11 (42) of the statutes is created to read:

70.11 (42) Hub facility. (a) In this subsection:

1. “Air carrier company” means any person engaged in the business of transportation in aircraft of persons or property for hire on regularly scheduled flights. In this subdivision, “aircraft” has the meaning given in s. 76.02 (1).

2. “Hub facility” means any of the following:
a. A facility at an airport from which an air carrier company operated at least 45 common carrier departing flights each weekday in the prior year and from which it transported passengers to at least 15 nonstop destinations, as defined by rule by the department of revenue, or transported cargo to nonstop destinations, as defined by rule by the department of revenue.

b. An airport or any combination of airports in this state from which an air carrier company cumulatively operated at least 20 common carrier departing flights each weekday in the prior year, if the air carrier company’s headquarters, as defined by rule by the department of revenue, is in this state.

(b) Property owned by an air carrier company that operates a hub facility in this state, if the property is used in the operation of the air carrier company.

**SECTION 2111.** 70.1105 of the statutes is renumbered 70.1105 (1).

**SECTION 2112.** 70.1105 (2) of the statutes is created to read:

70.1105 (2) Property, excluding land, that is owned or leased by a corporation that provides services pursuant to 15 USC 79 to a light, heat, and power company, as defined under s. 76.28 (1) (e), that is subject to taxation under s. 76.28 and that is affiliated with the corporation shall be assessed for taxation at the portion of the fair market value of the property that is not used to provide such services.

**SECTION 2113.** 70.112 (4) of the statutes is renumbered 70.112 (4) (a) and amended to read:

70.112 (4) (a) All special property assessed under ss. 76.01 to 76.26 and property of any light, heat, and power company taxed under s. 76.28, telephone company, car line company, and electric cooperative association that is used and useful in the operation of the business of such company or association. If a general structure for which an exemption is sought under this section is used and useful in
part in the operation of any public utility assessed under ss. 76.01 to 76.26 or of the
business of any light, heat, and power company taxed under s. 76.28, telephone
company, car line company, or electric cooperative association and in part for
nonoperating purposes of the public utility or company or association, that general
structure shall be assessed for taxation under this chapter at the percentage of its
full market value that fairly measures and represents the extent of its use for
nonoperating purposes. Nothing provided in this subsection paragraph shall
exclude any real estate or any property which is separately accounted for under s.
196.59 from special assessments for local improvements under s. 66.0705.

SECTION 2114. 70.112 (4) (b) of the statutes is created to read:

70.112 (4) (b) If real or tangible personal property is used more than 50%, as
determined by the department of revenue, in the operation of a telephone company
that is subject to the tax imposed under s. 76.81, the department of revenue shall
assess the property and that property shall be exempt from the general property
taxes imposed under this chapter. If real or tangible personal property is used less
than 50%, as determined by the department of revenue, in the operation of a
telephone company that is subject to the tax imposed under s. 76.81, the taxation
district in which the property is located shall assess the property and that property
shall be subject to the general property taxes imposed under this chapter.

SECTION 2115. 70.425 of the statutes is repealed.

SECTION 2116. 70.511 (2) (b) of the statutes is amended to read:

70.511 (2) (b) If the reviewing authority reduces the value of the property in
question, or determines that manufacturing property is exempt, the taxpayer may
file a claim for refund of taxes resulting from the reduction in value or determination
that the property is exempt. If Except as provided in par. (bm), if a claim for refund
is filed with the clerk of the municipality on or before the November 1 following the
decision of the reviewing authority, the claim shall be payable to the taxpayer from
the municipality no later than January 31 of the succeeding year. Except as
provided in par. (bm), a claim filed after November 1 shall be paid to the taxpayer by
the municipality no later than the 2nd January 31 after the claim is filed. Interest
Except for claims related to property assessed under s. 70.995, interest on the claim
at the rate of 0.8% per month shall be paid to the taxpayer when the claim is paid.
Interest on claims related to property assessed under s. 70.995 shall be paid when
the claim is made at the average annual discount interest rate determined by the last
auction of 6-month U.S. treasury bills before an appeal or objection is filed under s.
70.995 (8) or 10% per year, whichever is less. If the taxpayer requests a
postponement of proceedings before the reviewing authority, interest on the claim
shall permanently stop accruing at the date of the request. If the hearing is
postponed at the request of the taxpayer, the reviewing authority shall hold a
hearing on the appeal within 30 days after the postponement is requested unless the
taxpayer agrees to a longer delay. If the reviewing authority postpones the hearing
without a request by the taxpayer, interest on the claim shall continue to accrue. No
interest may be paid if the reviewing authority determines under s. 70.995 (8) (a) that
the value of the property was reduced because the taxpayer supplied false or
incomplete information. If taxes are refunded, the municipality may proceed under
s. 74.41.

**SECTION 2117.** 70.511 (2) (bm) of the statutes is created to read:

70.511 (2) (bm) A municipality may pay a refund under par. (b) of the taxes on
property that is assessed under s. 70.995 in 5 annual installments, each of which
except the last is equal to at least 20% of the sum of the refund and the interest on
the refund that is due, beginning on the date under par. (b), if all of the following
conditions exist:
1. The municipality’s property tax levy for its general operations for the year
for which the taxes to be refunded are due is less than $100,000,000.
2. The refund is at least 0.0025% of the municipality’s levy for its general
operations for the year for which the taxes to be refunded are due.
3. The refund is more than $10,000.

**SECTION 2118.** 70.511 (2) (br) of the statutes is created to read:

70.511 (2) (br) From the appropriation under s. 20.835 (2) (bm), the department
of administration shall pay to each municipality that pays a refund under par. (b) for
property that is assessed under s. 70.995 or that pays a refund under par. (bm) an
amount equal to the interest that is paid by the municipality in the previous
biennium and that has accrued up to the date of the determination by the tax appeals
commission of the municipality’s obligation.

**SECTION 2119.** 70.73 (1m) of the statutes is created to read:

70.73 (1m) After board of review. If a town, village, or city clerk or treasurer
discovers a palpable error, as described under s. 74.33 (1), in the assessment roll after
the board of review has adjourned for the year under s. 70.47 (4), the clerk or
treasurer shall correct the assessment roll before calculating the property taxes that
are due on the property related to the error and notify the department of revenue of
the correction under s. 74.41 (1).

**SECTION 2120.** 70.995 (5) of the statutes is amended to read:

70.995 (5) Commencing January 1, 1974, and annually thereafter, the The
department of revenue shall assess all property of manufacturing establishments
included under subs. (1) and (2) as of the close of January 1 of each year, if on or before
March 1 of that year the department has classified the property as manufacturing
or the owner of the property has requested, in writing, that the department make
such a classification and the department later does so. A change in ownership,
location, or name of the manufacturing establishment does not necessitate a new
request. In assessing lands from which metalliferous minerals are being extracted
and valued for purposes of the tax under s. 70.375, the value of the metalliferous
mineral content of such lands shall be excluded.

SECTION 2121. 70.995 (6) of the statutes is amended to read:

70.995 (6) Prior to February 15 of each year the department of revenue shall
notify each municipal assessor of the manufacturing property within the taxation
district that, as of that date, will be assessed by the department during the current
assessment year.

SECTION 2122. 70.995 (8) (b) of the statutes is renumbered 70.995 (8) (b) 1. and
amended to read:

70.995 (8) (b) 1. The department of revenue shall annually notify each
manufacturer assessed under this section and the municipality in which the
manufacturing property is located of the full value of all real and personal property
owned by the manufacturer. The notice shall be in writing and shall be sent by 1st
class mail. In addition, the notice shall specify that objections to valuation, amount,
or taxability must be filed with the state board of assessors within 60 days of issuance
of the notice of assessment, that objections to a change from assessment under this
section to assessment under s. 70.32 (1) must be filed within 60 days after receipt of
the notice, that the fee under par. (c) 1. or (d) must be paid and that the objection is
not filed until the fee is paid. A statement shall be attached to the assessment roll
indicating that the notices required by this section have been mailed and failure to
receive the notice does not affect the validity of the assessments, the resulting tax
on real or personal property, the procedures of the tax appeals commission or of the
state board of assessors, or the enforcement of delinquent taxes by statutory means.

**SECTION 2123.** 70.995 (8) (b) 2. of the statutes is created to read:

70.995 (8) (b) 2. If a municipality files an objection to the amount, valuation,
taxability, or change from assessment under this section and the person assessed
does not file an objection, the person assessed may file an appeal within 15 days after
the municipality’s objection is filed.

**SECTION 2124.** 70.995 (8) (c) of the statutes is renumbered 70.995 (8) (c) 1. and
amended to read:

70.995 (8) (c) 1. All objections to the amount, valuation, taxability, or change
from assessment under this section to assessment under s. 70.32 (1) of property shall
be first made in writing on a form prescribed by the department of revenue and that
specifies that the objector shall set forth the reasons for the objection, the objector’s
estimate of the correct assessment, and the basis under s. 70.32 (1) for the objector’s
estimate of the correct assessment. An objection shall be filed with the state board
of assessors within the time prescribed in par. (b) 1. A $45 fee shall be paid when the
objection is filed unless a fee has been paid in respect to the same piece of property
and that appeal has not been finally adjudicated. The objection is not filed until the
fee is paid. Neither the state board of assessors nor the tax appeals commission may
waive the requirement that objections be in writing. Persons who own land and
improvements to that land may object to the aggregate value of that land and
improvements to that land, but no person who owns land and improvements to that
land may object only to the valuation of that land or only to the valuation of
improvements to that land.
SECTION 2125. 70.995 (8) (c) 2. of the statutes is created to read:

70.995 (8) (c) 2. A manufacturer who files an objection under subd. 1. may file supplemental information to support the manufacturer’s objection within 60 days from the date the objection is filed. The state board of assessors shall notify the municipality in which the manufacturer’s property is located of supplemental information filed by the manufacturer under this subdivision, if the municipality has filed an appeal related to the objection.

SECTION 2126. 70.995 (8) (d) of the statutes is amended to read:

70.995 (8) (d) A municipality may file an objection with the state board of assessors to the amount, valuation, or taxability under this section or to the change from assessment under this section to assessment under s. 70.32 (1) of a specific property having a situs in the municipality, whether or not the owner of the specific property in question has filed an objection. Objection shall be made on a form prescribed by the department and filed with the board within 60 days of the date of the issuance of the assessment in question. If the person assessed files an objection and the municipality affected does not file an objection, the municipality affected may file an appeal to that objection within 15 days after the person's objection is filed.

A $45 filing fee shall be paid when the objection is filed unless a fee has been paid in respect to the same piece of property and that appeal has not been finally adjudicated. The objection is not filed until the fee is paid. The board shall forthwith notify the person assessed of the objection filed by the municipality.

SECTION 2127. 70.995 (8) (dm) of the statutes is amended to read:

70.995 (8) (dm) The department shall refund filing fees paid under par. (c) 1., or (d) if the appeal in respect to the fee is denied because of lack of jurisdiction.

SECTION 2128. 70.995 (12) (a) of the statutes is amended to read:
70.995 (12) (a) The department of revenue shall prescribe a standard manufacturing property report form that shall be submitted annually for each real estate parcel and each personal property account on or before March 1 by all manufacturers whose property is assessed under this section. The report form shall contain all information considered necessary by the department and shall include, without limitation, income and operating statements, fixed asset schedules and a report of new construction or demolition. Failure to submit the report shall result in denial of any right of redetermination by the state board of assessors or the tax appeals commission. If any property is omitted or understated in the assessment roll in any of the next 5 previous years, the assessor shall enter the value of the omitted or understated property once for each previous year of the omission or understatement. The assessor shall designate each additional entry as omitted or understated for the year of omission or understatement. The assessor shall affix a just valuation to each entry for a former year as it should have been assessed according to the assessor’s best judgment. Taxes shall be apportioned and collected on the tax roll for each entry, on the basis of the net tax rate for the year of the omission, taking into account credits under s. 79.10, and. In the case of omitted property, interest shall be added at the rate of 0.0267% per day for the period of time between the date when the form is required to be submitted and the date when the assessor affixes the just valuation. In the case of underpayments determined after an objection under s. 70.995 (8) (d), interest shall be added at the average annual discount interest rate determined by the last auction of 6-month U.S. treasury bills before the objection per day for the period of time between the date when the tax was due and the date when it is paid.

Section 2129. 70.995 (12) (b) of the statutes is amended to read:
70.995 (12) (b) The department of revenue shall allow an extension to April 1 of the due date for filing the report forms required under par. (a) if a written application for an extension, stating the reason for the request, is filed with the department on or before March 1.

**SECTION 2130.** 70.995 (12) (c) of the statutes is amended to read:

70.995 (12) (c) Unless the taxpayer shows that the failure is due to reasonable cause, if a taxpayer fails to file any form required under par. (a) for property that the department of revenue assessed during the previous year by the due date or by any extension of the due date that has been granted, the taxpayer shall pay to the department of revenue a penalty of the greater of $10 or 0.05% of the previous year’s full value assessment not to exceed $1,000. If the form required under par. (a) for property that the department of revenue assessed during the previous year is not filed within 30 days after the due date or within 30 days after any extension, the taxpayer shall pay to the department of revenue a 2nd penalty of the greater of $10 or 0.05% of the previous year’s full value assessment not to exceed $1,000 $25 if the form is filed 1 to 10 days late; $50 or 0.05% of the previous year’s assessment, whichever is greater, but not more than $250, if the form is filed 11 to 30 days late; and $100 or 0.1% of the previous year’s assessment, whichever is greater, but not more than $750, if the form is filed more than 30 days late. Penalties are due 30 days after they are assessed and are delinquent if not paid on or before that date. The department may refund all or part of any penalty it assesses under this paragraph if it finds reasonable grounds for late filing.

**SECTION 2131.** 71.04 (4) of the statutes is renumbered 71.04 (4) (intro.) and amended to read:
71.04 (4) NONRESIDENT ALLOCATION AND APPORTIONMENT FORMULA. (intro.)

Nonresident individuals and nonresident estates and trusts engaged in business within and without the state shall be taxed only on such income as is derived from business transacted and property located within the state. The amount of such income attributable to Wisconsin may be determined by an allocation and separate accounting thereof, when the business of such nonresident individual or nonresident estate or trust within the state is not an integral part of a unitary business, but the department of revenue may permit an allocation and separate accounting in any case in which it is satisfied that the use of such method will properly reflect the income taxable by this state. In all cases in which allocation and separate accounting is not permissible, the determination shall be made in the following manner: for all businesses except air carriers, financial organizations, pipeline companies, public utilities, railroads, sleeping car companies and car line companies there shall first be deducted from the total net income of the taxpayer the part thereof (less related expenses, if any) that follows the situs of the property or the residence of the recipient. The remaining net income shall be apportioned to Wisconsin this state by use of an apportionment fraction composed of a sales factor representing 50% of the fraction, a property factor representing 25% of the fraction and a payroll factor representing 25% of the fraction. the following:

SECTION 2132. 71.04 (4) (a) of the statutes is created to read:

71.04 (4) (a) For taxable years beginning before January 1, 2003, an apportionment fraction composed of a sales factor under sub. (7) representing 50% of the fraction, a property factor under sub. (5) representing 25% of the fraction, and a payroll factor under sub. (6) representing 25% of the fraction.

SECTION 2133. 71.04 (4) (b) of the statutes is created to read:
71.04 (4) (b) For taxable years beginning after December 31, 2002, and before January 1, 2004, an apportionment fraction composed of a sales factor under sub. (7) representing 60% of the fraction, a property factor under sub. (5) representing 20% of the fraction, and a payroll factor under sub. (6) representing 20% of the fraction.

Section 2134. 71.04 (4) (c) of the statutes is created to read:

71.04 (4) (c) For taxable years beginning after December 31, 2003, and before January 1, 2005, an apportionment fraction composed of a sales factor under sub. (7) representing 80% of the fraction, a property factor under sub. (5) representing 10% of the fraction, and a payroll factor under sub. (6) representing 10% of the fraction.

Section 2135. 71.04 (4) (d) of the statutes is created to read:

71.04 (4) (d) For taxable years beginning after December 31, 2004, an apportionment fraction composed of the sales factor under sub. (7).

Section 2136. 71.04 (4) (e) of the statutes is created to read:

71.04 (4) (e) For taxable years beginning after December 31, 2002, and before January 1, 2005, the apportionment fraction for the remaining net income of a financial organization shall include a sales factor that represents more than 50% of the apportionment fraction, as determined by rule by the department. For taxable years beginning after December 31, 2004, the apportionment fraction for the remaining net income of a financial organization is composed of a sales factor, as determined by rule by the department.

Section 2137. 71.04 (5) (intro.) of the statutes is amended to read:

71.04 (5) PROPERTY FACTOR. (intro.) For purposes of sub. (4) and for taxable years beginning before January 1, 2005:

Section 2138. 71.04 (6) (intro.) of the statutes is amended to read:
71.04 (6) Payroll factor. (intro.) For purposes of sub. (4) and for taxable years beginning before January 1, 2005:

SECTION 2139. 71.04 (7) (d) of the statutes is amended to read:

71.04 (7) (d) Sales, other than sales of tangible personal property, are in this state if the income-producing activity is performed in this state. If the income-producing activity is performed both in and outside this state the sales shall be divided between those states having jurisdiction to tax such business in proportion to the direct costs of performance incurred in each such state in rendering this service. Services performed in states which do not have jurisdiction to tax the business shall be deemed to have been performed in the state to which compensation is allocated by sub. s. 71.04 (6), 1999 stats.

SECTION 2140. 71.04 (8) (b) of the statutes is renumbered 71.04 (8) (b) 1. and amended to read:

71.04 (8) (b) 1. “Public For taxable years beginning before January 1, 2003, “public utility”, as used in this section, means any business entity described under subd. 2. and any business entity which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications or the production, transmission, sale, delivery, or furnishing of electricity, water or steam, the rates of charges for goods or services of which have been established or approved by a federal, state or local government or governmental agency. “Public utility” also means any business entity providing service to the public and engaged in the transportation of goods and persons for hire, as defined in s. 194.01 (4), regardless of whether or not the entity’s rates or charges for services have been
established or approved by a federal, state or local government or governmental agency.

SECTION 2141. 71.04 (8) (c) of the statutes is amended to read:

71.04 (8) (c) The net business income of railroads, sleeping car companies, car line companies, pipeline companies, financial organizations, air carriers and public utilities requiring apportionment shall be apportioned pursuant to rules of the department of revenue, but the income taxed is limited to the income derived from business transacted and property located within the state.

SECTION 2142. 71.04 (10) of the statutes is amended to read:

71.04 (10) DEPARTMENT MAY WAIVE FACTOR. Where, in the case of any nonresident individual or nonresident estate or trust engaged in business within and without the outside this state of Wisconsin and required to apportion its income as provided in this section, it shall be shown to the satisfaction of the department of revenue that the use of any one of the 3 factors provided under sub. (4) gives an unreasonable or inequitable final average ratio because of the fact that such nonresident individual or nonresident estate or trust does not employ, to any appreciable extent in its trade or business in producing the income taxed, the factors made use of in obtaining such ratio, this factor may, with the approval of the department of revenue, be omitted in obtaining the final average ratio which is to be applied to the remaining net income. This subsection does not apply to taxable years beginning after December 31, 2004.

SECTION 2143. 71.05 (6) (a) 15. of the statutes is amended to read:

71.05 (6) (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx) and (3g), and (3s) and not passed through by a partnership, limited liability company, or tax-option corporation that has added
that amount to the partnership’s, company’s, or tax–option corporation’s income
under s. 71.21 (4) or 71.34 (1) (g).

SECTION 2144. 71.05 (11) (b) of the statutes is amended to read:

71.05 (11) (b) The cost of the following described property, less any federal
depreciation or amortization taken, may be deducted as a subtraction modification
or as subtraction modifications in the year or years in which paid or accrued,
dependent on the method of accounting employed: All property purchased or
constructed as a waste treatment facility utilized for the treatment of industrial
wastes, as defined in s. 281.01 (5), or air contaminants, as defined in s. 285.01 (1),
but not for other wastes, as defined in s. 281.01 (7) and approved by the department
of revenue under s. 70.11 (21) (a), for the purpose of abating or eliminating pollution
of surface waters, the air, or waters of the state and, if the property’s owner is taxed
under ch. 76, if the property is approved by the department of revenue. In case of
such election, appropriate add modifications shall be made in subsequent years to
reverse federal depreciation or amortization or to correct gain or loss on disposition.

This paragraph is intended to apply only to depreciable property except that where
wastes are disposed of through a lagoon process, lagooning costs and the cost of land
containing such lagoons may be treated as depreciable property for purposes of this
paragraph. In no event may any amount in excess of cost be deducted. Paragraph
(a) applies to all property purchased prior to July 31, 1975, or purchased and
constructed in fulfillment of a written construction contract or formal written bid,
which contract was entered into or which bid was made prior to July 31, 1975.

SECTION 2145. 71.06 (2e) of the statutes is amended to read:

71.06 (2e) BRACKET INDEXING. For taxable years beginning after
December 31, 1998, and before January 1, 2000, the maximum dollar amount in
each tax bracket, and the corresponding minimum dollar amount in the next bracket, under subs. (1m) and (2) (c) and (d), and for taxable years beginning after December 31, 1999, the maximum dollar amount in each tax bracket, and the corresponding minimum dollar amount in the next bracket, under subs. (1n), (1p), and (2) (e), (f), (g), and (h), shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August 1997, as determined by the federal department of labor, except that for taxable years beginning after December 31, 2000, and before January 1, 2002, the dollar amount in the top bracket under subs. (1p) (c) and (d), (2) (g) 3. and 4. and (h) 3. and 4. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August 1999, as determined by the federal department of labor. Each amount that is revised under this subsection shall be rounded to the nearest multiple of $10 if the revised amount is not a multiple of $10 or, if the revised amount is a multiple of $5, such an amount shall be increased to the next higher multiple of $10. The department of revenue shall annually adjust the changes in dollar amounts required under this subsection and incorporate the changes into the income tax forms and instructions.

**SECTION 2146.** 71.07 (2dm) of the statutes is created to read:

71.07 (2dm) **DEVELOPMENT ZONE CAPITAL INVESTMENT CREDIT.** (a) In this subsection:
1. “Certified” means entitled under s. 560.795 (3) (a) 4. to claim tax benefits or certified under s. 560.795 (5).

2. “Claimant” means a person who files a claim under this subsection.

3. “Development zone” means a development opportunity zone under s. 560.795 (1) (e).

4. “Previously owned property” means real property that the claimant or a related person owned during the 2 years prior to the department of commerce designating the place where the property is located as a development zone and for which the claimant may not deduct a loss from the sale of the property to, or an exchange of the property with, the related person under section 267 of the Internal Revenue Code, except that section 267 (b) of the Internal Revenue Code is modified so that if the claimant owns any part of the property, rather than 50% ownership, the claimant is subject to section 267 (a) (1) of the Internal Revenue Code for purposes of this subsection.

(b) Subject to the limitations provided in this subsection and in s. 73.03 (35), for any taxable year for which the claimant is certified, a claimant may claim as a credit against the taxes imposed under s. 71.02 an amount that is equal to 3% of the following:

1. The purchase price of depreciable, tangible personal property.

2. The amount expended to acquire, construct, rehabilitate, remodel, or repair real property in a development zone.

(c) A claimant may claim the credit under par. (b) 1., if the tangible personal property is purchased after the claimant is certified and the personal property is used for at least 50% of its use in the claimant’s business at a location in a
development zone or, if the property is mobile, the property’s base of operations for
at least 50% of its use is at a location in a development zone.

(d) A claimant may claim the credit under par. (b) 2. for an amount expended
to construct, rehabilitate, remodel, or repair real property, if the claimant began the
physical work of construction, rehabilitation, remodeling, or repair, or any
demolition or destruction in preparation for the physical work, after the place where
the property is located was designated a development zone, or if the completed
project is placed in service after the claimant is certified. In this paragraph, “physical
work” does not include preliminary activities such as planning, designing, securing
financing, researching, developing specifications, or stabilizing the property to
prevent deterioration.

(e) A claimant may claim the credit under par. (b) 2. for an amount expended
to acquire real property, if the property is not previously owned property and if the
claimant acquires the property after the place where the property is located was
designated a development zone, or if the completed project is placed in service after
the claimant is certified.

(f) No credit may be allowed under this subsection unless the claimant includes
with the claimant’s return:

1. A copy of a verification from the department of commerce that the claimant
may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under s. 560.795 (5).
2. A statement from the department of commerce verifying the purchase price
of the investment and verifying that the investment fulfills the requirements under
par. (b).

(g) In calculating the credit under par. (b) a claimant shall reduce the amount
expended to acquire property by a percentage equal to the percentage of the area of
the real property not used for the purposes for which the claimant is certified and shall reduce the amount expended for other purposes by the amount expended on the part of the property not used for the purposes for which the claimant is certified.

(h) The carry-over provisions of s. 71.28 (4) (e) and (f) as they relate to the credit under s. 71.28 (4) relate to the credit under this subsection.

(i) Partnerships, limited liability companies, and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders, partners, or members. The corporation, partnership, or limited liability company shall compute the amount of credit that may be claimed by each of its shareholders, partners, or members and provide that information to its shareholders, partners, or members. Partners, members of limited liability companies, and shareholders of tax-option corporations may claim the credit based on the partnership’s, company’s, or corporation’s activities in proportion to their ownership interest and may offset it against the tax attributable to their income from the partnership’s, company’s, or corporation’s business operations in the development zone and against the tax attributable to their income from the partnership’s, company’s, or corporation’s directly related business operations.

(j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits becomes ineligible for such tax benefits, or if a person’s certification under s. 560.795 (5) is revoked, that person may claim no credits under this subsection for the taxable year that includes the day on which the person becomes ineligible for tax benefits, the taxable year that includes the day on which the certification is revoked, or succeeding taxable years, and that person may carry over no unused credits from previous years to offset tax under this chapter for the taxable year that includes the
day on which the person becomes ineligible for tax benefits, the taxable year that
includes the day on which the certification is revoked, or succeeding taxable years.

(k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits
or certified under s. 560.795 (5) ceases business operations in the development zone
during any of the taxable years that that zone exists, that person may not carry over
to any taxable year following the year during which operations cease any unused
credits from the taxable year during which operations cease or from previous taxable
years.

(L) Section 71.28 (4) (g) and (h) as it applies to the credit under s. 71.28 (4)
applies to the credit under this subsection.

SECTION 2147. 71.07 (2dx) (a) 5. of the statutes is amended to read:

71.07 (2dx) (a) 5. “Member of a targeted group” means a person under sub. (2dj)
(am) 1., a person who resides in an empowerment zone, or an enterprise community,
that the U.S. government designates, a person who is employed in an unsubsidized
job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin
works employment position, a person who is employed in a trial job, as defined in s.
49.141 (1) (n), or a person who is eligible for child care assistance under s. 49.155, a
person who is a vocational rehabilitation referral, an economically disadvantaged
youth, an economically disadvantaged veteran, a supplemental security income
recipient, a general assistance recipient, an economically disadvantaged ex-convict,
a qualified summer youth employee, as defined in 26 USC 51 (d) (7), or a food stamp
recipient; if the person has been certified in the manner under sub. (2dj) (am) 3. by
a designated local agency, as defined in sub. (2dj) (am) 2.

SECTION 2148. 71.07 (3g) of the statutes is created to read:
71.07 (3g) TECHNOLOGY ZONES CREDIT. (a) Subject to the limitations under this subsection and ss. 73.03 (35m) and 560.96, a business that is certified under s. 560.96 (3) may claim as a credit against the taxes imposed under s. 71.02 an amount equal to the sum of the following, as established under s. 560.96 (3) (c):

1. The amount of real and personal property taxes imposed under s. 70.01 that the business paid in the taxable year.

2. The amount of income and franchise taxes imposed under s. 71.02 that the business paid in the taxable year.

3. The amount of sales and use taxes imposed under ss. 77.52, 77.53, and 77.71 that the business paid in the taxable year.

(b) The department of revenue shall notify the department of commerce of all claims under this subsection.

(c) Section 71.28 (4) (f), (g), and (h), as it applies to the credit under s. 71.28 (4), applies to the credit under par. (a).

SECTION 2149. 71.07 (7) (b) of the statutes is amended to read:

71.07 (7) (b) If a resident individual, estate or trust pays a net income tax to another state, that resident individual, estate or trust may credit the net tax paid to that other state on that income against the net income tax otherwise payable to the state on income of the same year. The credit may not be allowed unless the income taxed by the other state is also considered income for Wisconsin tax purposes. The credit may not be allowed unless claimed within the time provided in s. 71.75 (2), but s. 71.75 (4) does not apply to those credits. For purposes of this paragraph, amounts declared and paid pursuant to the income tax law of another state shall be deemed a net income tax paid to that other state only in the year in which the income tax return for that state was required to be filed. Income and
franchise taxes paid to another state by a tax–option corporation, partnership, or limited liability company that is treated as a partnership may be claimed as a credit under this paragraph by that corporation’s shareholders, that partnership’s partners, or that limited liability company’s members who are residents of this state and who otherwise qualify under this paragraph.

**SECTION 2150.** 71.07 (7m) of the statutes is created to read:

71.07 (7m) TAX RELIEF FUND TAX CREDIT. (a) *Definitions.* In this subsection:

1. “Claimant” means an individual taxpayer who is not a dependent.

2. “Credit unit” means an amount calculated by the department by dividing the amount certified under par. (c) 3. by the sum of all claimants, all spouses of claimants, and all dependents.

3. “Department” means the department of revenue.

4. “Dependent” means an individual who is claimed by the claimant as a dependent under section 151 (c) of the Internal Revenue Code.

(b) *Filing claims.* Subject to the limitations and conditions provided in this subsection, a claimant, or a claimant and his or her spouse, may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, an amount determined by the department under par. (c). One credit amount may be claimed by each claimant, by the claimant’s spouse, and for each dependent of a claimant. No credit may be claimed by a dependent.

(c) *Determination of credit amount.* 1. Not later than September 1 each year, the secretary of administration shall certify to the secretary of the department the amount that is in the tax relief fund under s. 25.63.

2. If the amount of the certification is $25,000,000 or less, the amount that may be claimed in that taxable year is zero.
3. If the amount of the certification exceeds $25,000,000, the department shall
determine the credit amount for that taxable year. The credit amount shall be based
on the credit unit, but shall be modified such that the certified amount in the tax
relief fund is expended as fully as possible and that the credit amount for each
claimant, spouse of a claimant, and dependent of a claimant is rounded down to the
nearest whole dollar amount.

(d) Certification of amounts claimed. Not later than August 15 of the year
following the year in which the department determines a credit amount under par.
(c) 3., the department shall determine the amount of revenue lost because of credits
claimed in the taxable year to which that credit amount relates. The amount of
revenue lost shall be certified to the secretary of administration.

(e) Limitations and conditions. 1. No credit may be allowed under this
subsection unless it is claimed within the time period under s. 71.75 (2).
2. Part-year residents and nonresidents of this state are not eligible for the
credit under this subsection.

(f) Administration. Subsection (9e) (d), to the extent that it applies to the credit
under that subsection, applies to the credit under this subsection.

SECTION 2151. 71.10 (4) (dt) of the statutes is created to read:
71.10 (4) (dt) Tax relief fund credit under s. 71.07 (7m).

SECTION 2152. 71.10 (4) (grb) of the statutes is created to read:
71.10 (4) (grb) Development zone capital investment credit under s. 71.07
(2dm).

SECTION 2153. 71.10 (4) (grd) of the statutes is created to read:
71.10 (4) (grd) Technology zones credit under s. 71.07 (3g).

SECTION 2154. 71.14 (3) (intro.) of the statutes is amended to read:
71.14 (3) (intro.) Except as provided in sub. (2) and s. 71.04 (1) (b) 2., trusts created by contract, declaration of trust or implication of law that are made irrevocable and were administered in this state before October 29, 1999, shall be considered resident at the place where the trust is being administered. The following trusts shall be considered to be administered in the state of domicile of the corporate trustee of the trust at any time that the grantor of the trust is not a resident of this state:

SECTION 2155. 71.14 (3m) (a) (intro.) of the statutes is amended to read:

71.14 (3m) (a) (intro.) Subject to par. (b) and except as provided in sub. (2) and s. 71.04 (1) (b) 2., only the following trusts, or portions of trusts, that from 1999 WI Act 185 become irrevocable on or after October 29, 1999, or that became irrevocable before October 29, 1999, and are first administered in this state on or after October 29, 1999, are resident of this state:

SECTION 2156. 71.14 (3m) (b) 2. of the statutes is amended to read:

71.14 (3m) (b) 2. Is irrevocable if the power to revest title, as described in par. (a) subd. 1., does not exist.

SECTION 2157. 71.21 (4) of the statutes is amended to read:

71.21 (4) Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2ds), (2dx) and, (3g), and (3s) and passed through to partners shall be added to the partnership’s income.

SECTION 2158. 71.22 (1r) of the statutes is amended to read:

71.22 (1r) “Doing business in this state” includes issuing credit, debit, or travel and entertainment cards to customers in this state; owning, directly or indirectly, a general or limited partnership interest in a partnership that does business in this state, regardless of the percentage of ownership; and owning, directly or indirectly,
an interest in a limited liability company that does business in this state, regardless
of the percentage of ownership.

SECTION 2159. 71.22 (6m) of the statutes is created to read:

71.22 (6m) “Member” does not include a member of a limited liability company
treated as a corporation under sub. (1).

SECTION 2160. 71.22 (7m) of the statutes is created to read:

71.22 (7m) “Partner” does not include a partner of a publicly traded
partnership treated as a corporation under sub. (1).

SECTION 2161. 71.25 (6) of the statutes is renumbered 71.25 (6) (intro.) and
amended to read:

71.25 (6) ALLOCATION AND SEPARATE ACCOUNTING AND APPORTIONMENT FORMULA.
(intro.) Corporations engaged in business within and without the state shall be taxed
only on such income as is derived from business transacted and property located
within the state. The amount of such income attributable to Wisconsin may be
determined by an allocation and separate accounting thereof, when the business of
such corporation within the state is not an integral part of a unitary business, but
the department of revenue may permit an allocation and separate accounting in any
case in which it is satisfied that the use of such method will properly reflect the
income taxable by this state. In all cases in which allocation and separate accounting
is not permissible, the determination shall be made in the following manner: for all
businesses except air carriers, financial organizations, pipeline companies, public
utilities, railroads, sleeping car companies, car line companies and corporations or
associations that are subject to a tax on unrelated business income under s. 71.26 (1)
(a) there shall first be deducted from the total net income of the taxpayer the part
thereof (less related expenses, if any) that follows the situs of the property or the
residence of the recipient. The remaining net income shall be apportioned to Wisconsin this state by use of an apportionment fraction composed of a sales factor under sub. (9) representing 50% of the fraction, a property factor under sub. (7) representing 25% of the fraction and a payroll factor under sub. (8) representing 25% of the fraction. the following:

SECTION 2162. 71.25 (6) (a) of the statutes is created to read:

71.25 (6) (a) For taxable years beginning before January 1, 2003, an apportionment fraction composed of a sales factor under sub. (9) representing 50% of the fraction, a property factor under sub. (7) representing 25% of the fraction, and a payroll factor under sub. (8) representing 25% of the fraction.

SECTION 2163. 71.25 (6) (b) of the statutes is created to read:

71.25 (6) (b) For taxable years beginning after December 31, 2002, and before January 1, 2004, an apportionment fraction composed of a sales factor under sub. (9) representing 60% of the fraction, a property factor under sub. (7) representing 20% of the fraction, and a payroll factor under sub. (8) representing 20% of the fraction.

SECTION 2164. 71.25 (6) (c) of the statutes is created to read:

71.25 (6) (c) For taxable years beginning after December 31, 2003, and before January 1, 2005, an apportionment fraction composed of a sales factor under sub. (9) representing 80% of the fraction, a property factor under sub. (7) representing 10% of the fraction, and a payroll factor under sub. (8) representing 10% of the fraction.

SECTION 2165. 71.25 (6) (d) of the statutes is created to read:

71.25 (6) (d) For taxable years beginning after December 31, 2004, an apportionment fraction composed of the sales factor under sub. (9).

SECTION 2166. 71.25 (6) (e) of the statutes is created to read:
71.25 (6) (e) For taxable years beginning after December 31, 2002, and before January 1, 2005, the apportionment fraction for the remaining net income of a financial organization shall include a sales factor that represents more than 50% of the apportionment fraction, as determined by rule by the department. For taxable years beginning after December 31, 2004, the apportionment fraction for the remaining net income of a financial organization is composed of a sales factor, as determined by rule by the department.

SECTION 2167. 71.25 (7) (intro.) of the statutes is amended to read:

71.25 (7) PROPERTY FACTOR. (intro.) For purposes of sub. (5) (6) and for taxable years beginning before January 1, 2005:

SECTION 2168. 71.25 (8) (intro.) of the statutes is amended to read:

71.25 (8) PAYROLL FACTOR. (intro.) For purposes of sub. (5) (6) and for taxable years beginning before January 1, 2005:

SECTION 2169. 71.25 (9) (d) of the statutes is amended to read:

71.25 (9) (d) Sales, other than sales of tangible personal property, are in this state if the income-producing activity is performed in this state. If the income-producing activity is performed both in and outside this state the sales shall be divided between those states having jurisdiction to tax such business in proportion to the direct costs of performance incurred in each such state in rendering this service. Services performed in states which do not have jurisdiction to tax the business shall be deemed to have been performed in the state to which compensation is allocated by sub. s. 71.25 (8), 1999 stats.

SECTION 2170. 71.25 (10) (b) of the statutes is renumbered 71.25 (10) (b) 1. and amended to read:
71.25 (10) (b) 1. In this section, for taxable years beginning before January 1, 2003, “public utility” means any business entity described under subd. 2, and any business entity which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications or the production, transmission, sale, delivery, or furnishing of electricity, water or steam the rates of charges for goods or services of which have been established or approved by a federal, state or local government or governmental agency. “Public utility” also means any business entity providing service to the public and engaged in the transportation of goods and persons for hire, as defined in s. 194.01 (4), regardless of whether or not the entity’s rates or charges for services have been established or approved by a federal, state or local government or governmental agency.

SECTION 2171. 71.25 (10) (c) of the statutes is amended to read:

71.25 (10) (c) The net business income of railroads, sleeping car companies, car line companies, pipeline companies, financial organizations, air carriers and public utilities requiring apportionment shall be apportioned pursuant to rules of the department of revenue, but the income taxed is limited to the income derived from business transacted and property located within the state.

SECTION 2172. 71.25 (11) of the statutes is amended to read:

71.25 (11) DEPARTMENT MAY WAIVE FACTOR. Where, in the case of any corporation engaged in business within and without the state of Wisconsin and required to apportion its income as provided in sub. (6), it shall be shown to the satisfaction of the department of revenue that the use of any one of the 3 factors provided in sub. (6) gives an unreasonable or inequitable final average ratio because
of the fact that such corporation does not employ, to any appreciable extent in its
trade or business in producing the income taxed, the factors made use of in obtaining
such ratio, this factor may, with the approval of the department of revenue, be
omitted in obtaining the final average ratio which is to be applied to the remaining
net income. This subsection does not apply to taxable years beginning after

SECTION 2173. 71.25 (15) of the statutes is created to read:

71.25 (15) PARTNERSHIPS AND LIMITED LIABILITY COMPANIES. (a) A general or
limited partner’s share of the numerator and denominator of a partnership’s
apportionment factors under this section are included in the numerator and
denominator of the general or limited partner’s apportionment factors under this
section.

(b) If a limited liability company is treated as a partnership, for federal tax
purposes, a member’s share of the numerator and denominator of a limited liability
company’s apportionment factors under this section are included in the numerator
and denominator of the member’s apportionment factors under this section.

SECTION 2174. 71.26 (1) (be) of the statutes is amended to read:

71.26 (1) (be) Certain authorities. Income of the University of Wisconsin
Hospitals and Clinics Authority and of the Fox River Navigational System Authority.

SECTION 2175. 71.26 (2) (a) of the statutes is amended to read:

71.26 (2) (a) Corporations in general. The “net income” of a corporation means
the gross income as computed under the internal revenue code Internal Revenue
Code as modified under sub. (3) minus the amount of recapture under s. 71.28 (1di)
plus the amount of credit computed under s. 71.28 (1) and, (3) to (4), and (5) plus the
amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm),
(1ds) and (3g) (1dx) and not passed through by a partnership, limited liability
company, or tax-option corporation that has added that amount to the partnership’s,
limited liability company’s, or tax-option corporation’s income under s. 71.21 (4) or
71.34 (1) (g) plus the amount of losses from the sale or other disposition of assets the
gain from which would be wholly exempt income, as defined in sub. (3) (L), if the
assets were sold or otherwise disposed of at a gain and minus deductions, as
computed under the Internal Revenue Code as modified under
sub. (3), plus or minus, as appropriate, an amount equal to the difference between
the federal basis and Wisconsin basis of any asset sold, exchanged, abandoned, or
otherwise disposed of in a taxable transaction during the taxable year, except as
provided in par. (b) and s. 71.45 (2) and (5).

**SECTION 2176.** 71.26 (3) (n) of the statutes is amended to read:

71.26 (3) (n) Sections 381, 382 and 383 (relating to carry-overs in certain
corporate acquisitions) are modified so that they apply to losses under sub. (4) and
credits under s. 71.28 (1di), (1dL), (1dm), (1dx) and, (3) to, (4), and (5) instead of to
federal credits and federal net operating losses.

**SECTION 2177.** 71.28 (1dm) of the statutes is created to read:

71.28 (1dm) **DEVELOPMENT ZONE CAPITAL INVESTMENT CREDIT.** (a) In this
subsection:

1. “Certified” means entitled under s. 560.795 (3) (a) to claim tax benefits or
certified under s. 560.795 (5).

2. “Claimant” means a person who files a claim under this subsection.

3. “Development zone” means a development opportunity zone under s. 560.795
(1) (e).
4. “Previously owned property” means real property that the claimant or a related person owned during the 2 years prior to the department of commerce designating the place where the property is located as a development zone and for which the claimant may not deduct a loss from the sale of the property to, or an exchange of the property with, the related person under section 267 of the Internal Revenue Code, except that section 267 (b) of the Internal Revenue Code is modified so that if the claimant owns any part of the property, rather than 50% ownership, the claimant is subject to section 267 (a) (1) of the Internal Revenue Code for purposes of this subsection.

(b) Subject to the limitations provided in this subsection and in s. 73.03 (35), for any taxable year for which the claimant is certified, a claimant may claim as a credit against the taxes imposed under s. 71.23 an amount that is equal to 3% of the following:

1. The purchase price of depreciable, tangible personal property.
2. The amount expended to acquire, construct, rehabilitate, remodel, or repair real property in a development zone.

(c) A claimant may claim the credit under par. (b) 1., if the tangible personal property is purchased after the claimant is certified and the personal property is used for at least 50% of its use in the claimant’s business at a location in a development zone or, if the property is mobile, the property’s base of operations for at least 50% of its use is at a location in a development zone.

(d) A claimant may claim the credit under par. (b) 2. for an amount expended to construct, rehabilitate, remodel, or repair real property, if the claimant began the physical work of construction, rehabilitation, remodeling, or repair, or any demolition or destruction in preparation for the physical work, after the place where
the property is located was designated a development zone, or if the completed project is placed in service after the claimant is certified. In this paragraph, “physical work” does not include preliminary activities such as planning, designing, securing financing, researching, developing specifications, or stabilizing the property to prevent deterioration.

(e) A claimant may claim the credit under par. (b) 2. for an amount expended to acquire real property, if the property is not previously owned property and if the claimant acquires the property after the place where the property is located was designated a development zone, or if the completed project is placed in service after the claimant is certified.

(f) No credit may be allowed under this subsection unless the claimant includes with the claimant’s return:

1. A copy of a verification from the department of commerce that the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under s. 560.795 (5).

2. A statement from the department of commerce verifying the purchase price of the investment and verifying that the investment fulfills the requirements under par. (b).

(g) In calculating the credit under par. (b) a claimant shall reduce the amount expended to acquire property by a percentage equal to the percentage of the area of the real property not used for the purposes for which the claimant is certified and shall reduce the amount expended for other purposes by the amount expended on the part of the property not used for the purposes for which the claimant is certified.

(h) The carry-over provisions of sub. (4) (e) and (f) as they relate to the credit under sub. (4) relate to the credit under this subsection.
(i) Partnerships, limited liability companies, and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders, partners, or members. The corporation, partnership, or limited liability company shall compute the amount of credit that may be claimed by each of its shareholders, partners, or members and provide that information to its shareholders, partners, or members. Partners, members of limited liability companies, and shareholders of tax-option corporations may claim the credit based on the partnership's, company's, or corporation's activities in proportion to their ownership interest and may offset it against the tax attributable to their income from the partnership's, company's, or corporation's business operations in the development zone and against the tax attributable to their income from the partnership's, company's, or corporation's directly related business operations.

(j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits becomes ineligible for such tax benefits, or if a person's certification under s. 560.795 (5) is revoked, that person may claim no credits under this subsection for the taxable year that includes the day on which the person becomes ineligible for tax benefits, the taxable year that includes the day on which the certification is revoked, or succeeding taxable years, and that person may carry over no unused credits from previous years to offset tax under this chapter for the taxable year that includes the day on which the person becomes ineligible for tax benefits, the taxable year that includes the day on which the certification is revoked, or succeeding taxable years.

(k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits or certified under s. 560.795 (5) ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over
to any taxable year following the year during which operations cease any unused
credits from the taxable year during which operations cease or from previous taxable
years.

(L) Subsection (4) (g) and (h) as it applies to the credit under sub. (4) applies
to the credit under this subsection.

SECTION 2178. 71.28 (1dx) (a) 5. of the statutes is amended to read:

71.28 (1dx) (a) 5. “Member of a targeted group” means a person under sub. (2dj)
(am) 1., a person who resides in an empowerment zone, or an enterprise community,
that the U.S. government designates, a person who is employed in an unsubsidized
job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin
works employment position, a person who is employed in a trial job, as defined in s.
49.141 (1) (n), or a person who is eligible for child care assistance under s. 49.155, a
person who is a vocational rehabilitation referral, an economically disadvantaged
youth, an economically disadvantaged veteran, a supplemental security income
recipient, a general assistance recipient, an economically disadvantaged ex-convict,
a qualified summer youth employee, as defined in 26 USC 51 (d) (7), or a food stamp
recipient; if the person has been certified in the manner under sub. (1dj) (am) 3. by
a designated local agency, as defined in sub. (1dj) (am) 2.

SECTION 2179. 71.28 (3g) of the statutes is created to read:

71.28 (3g) TECHNOLOGY ZONES CREDIT. (a) Subject to the limitations under this
subsection and ss. 73.03 (35m) and 560.96, a business that is certified under s. 560.96
(3) may claim as a credit against the taxes imposed under s. 71.23 an amount equal
to the sum of the following, as established under s. 560.96 (3) (c):

1. The amount of real and personal property taxes imposed under s. 70.01 that
the business paid in the taxable year.
2. The amount of income and franchise taxes imposed under s. 71.23 that the business paid in the taxable year.

3. The amount of sales and use taxes imposed under ss. 77.52, 77.53, and 77.71 that the business paid in the taxable year.

(b) The department of revenue shall notify the department of commerce of all claims under this subsection.

(c) Subsection (4) (f), (g), and (h), as it applies to the credit under sub. (4), applies to the credit under par. (a).

**SECTION 2180.** 71.30 (3) (emb) of the statutes is created to read:

71.30 (3) (emb) Development zone capital investment credit under s. 71.28 (1dm).

**SECTION 2181.** 71.30 (3) (eon) of the statutes is created to read:

71.30 (3) (eon) Technology zones credit under s. 71.28 (3g).

**SECTION 2182.** 71.34 (1) (g) of the statutes is amended to read:

71.34 (1) (g) An addition shall be made for credits computed by a tax−option corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx) and (3g) and passed through to shareholders.

**SECTION 2183.** 71.42 (3d) of the statutes is created to read:

71.42 (3d) “Member” does not include a member of a limited liability company treated as a corporation under s. 71.22 (1).

**SECTION 2184.** 71.42 (3h) of the statutes is created to read:

71.42 (3h) “Partner” does not include a partner of a publicly traded partnership treated as a corporation under s. 71.22 (1).

**SECTION 2185.** 71.45 (3) (intro.) of the statutes is amended to read:
71.45 (3) Appportionment. (intro.) With respect to determine Wisconsin income for purposes of the franchise tax, domestic insurers not engaged in the sale of life insurance but which, in the taxable year, have collected premiums, other than life insurance premiums, written on subjects of insurance on property or risks resident, located or to be performed outside this state, there shall be subtracted from multiply the net income figure derived by application of sub. (2) (a) to arrive at Wisconsin income constituting the measure of the franchise tax an amount calculated by multiplying such adjusted federal taxable income by the arithmetic average of the following 2 percentages:

Section 2186. 71.45 (3) (a) of the statutes is amended to read:

71.45 (3) (a) The percentage of total determined by dividing the sum of direct premiums written on all property and risks for insurance other than life insurance, with respects to all property and risks resident, located, or to be performed in this state, and assumed premiums written for reinsurance, other than life insurance, with respect to all property and risks resident, located, or to be performed in this state, by the sum of direct premiums written for insurance on all property and risks, other than life insurance, wherever located during the taxable year, as reflects and assumed premiums written on insurance for reinsurance on all property and risks, other than life insurance, where the subject of insurance was resident, located or to be performed outside this state wherever located. In this paragraph, “direct premiums” means direct premiums as reported for the taxable year on an annual statement that is filed by the insurer with the commissioner of insurance under s. 601.42 (1g) (a). In this paragraph, “assumed premiums” means assumed reinsurance premiums from domestic insurance
companies as reported for the taxable year on an annual statement that is filed with
the commissioner of insurance under s. 601.42 (1g) (a).

SECTION 2187. 71.45 (3) (b) of the statutes is renumbered 71.45 (3) (b) 1. and
amended to read:

71.45 (3) (b) 1. The Subject to sub. (3d), the percentage of determined by
dividing the payroll, exclusive of life insurance payroll, paid in this state in the
taxable year by total payroll, exclusive of life insurance payroll, paid everywhere in
the taxable year as reflects such compensation paid outside this state.
Compensation.

2. Under subd. 1., payroll is paid outside in this state if the individual’s service
is performed entirely outside in this state; or the individual’s service is performed
both within and without in and outside this state, but the service performed within
outside this state is incidental to the individual’s service without in this state; or
some service is performed without in this state and the base of operations, or if there
is no base of operations, the place from which the service is directed or controlled is
without in this state, or the base of operations or the place from which the service is
directed or controlled is not in any state in which some part of the service is
performed, but the individual’s residence is outside in this state.

SECTION 2188. 71.45 (3d) of the statutes is created to read:

71.45 (3d) PHASE IN; DOMESTIC INSURERS. (a) For taxable years beginning after
December 31, 2002, and before January 1, 2004, a domestic insurer that is subject
to apportionment under sub. (3) and this subsection shall multiply the net income
figure derived by the application of sub. (2) by an apportionment fraction composed
of the percentage under sub. (3) (a) representing 60% of the fraction and the
percentage under sub. (3) (b) 1. representing 40% of the fraction.
(b) For taxable years beginning after December 31, 2003, and before January 1, 2005, a domestic insurer that is subject to apportionment under sub. (3) and this subsection shall multiply the net income figure derived by the application of sub. (2) by an apportionment fraction composed of the percentage under sub. (3) (a) representing 80% of the fraction and the percentage under sub. (3) (b) 1. representing 20% of the fraction.

(c) For taxable years beginning after December 31, 2004, a domestic insurer that is subject to apportionment under sub. (3) and this subsection shall multiply the net income figure derived by the application of sub. (2) by the percentage under sub. (3) (a).

SECTION 2189. 71.45 (3m) of the statutes is amended to read:

71.45 (3m) ARITHMETIC AVERAGE. The Except as provided in sub. (3d), the arithmetic average of the 2 percentages referred to in sub. (3) shall be applied to the net income figure arrived at by the successive application of sub. (2) (a) and (b) with respect to Wisconsin insurers to which sub. (2) (a) and (b) applies and which have collected received premiums, other than life insurance premiums, written upon for insurance, other than life insurance, where the subject of such insurance was on property or risks resident, located or to be performed outside this state, to arrive at Wisconsin income constituting the measure of the franchise tax.

SECTION 2190. 71.45 (6) of the statutes is created to read:

71.45 (6) PARTNERSHIPS AND LIMITED LIABILITY COMPANIES. (a) A general or limited partner’s share of the numerator and denominator of a partnership’s apportionment factors under this section are included in the numerator and denominator of the general or limited partner’s apportionment factors under this section.
(b) If a limited liability company is treated as a partnership, for federal tax purposes, a member’s share of the numerator and denominator of a limited liability company’s apportionment factors under this section are included in the numerator and denominator of the member’s apportionment factors under this section.

SECTION 2191. 71.47 (1dm) of the statutes is created to read:

71.47 (1dm) DEVELOPMENT ZONE CAPITAL INVESTMENT CREDIT. (a) In this subsection:

1. “Certified” means entitled under s. 560.795 (3) (a) 4. to claim tax benefits or certified under s. 560.795 (5).

2. “Claimant” means a person who files a claim under this subsection.

3. “Development zone” means a development opportunity zone under s. 560.795 (1) (e).

4. “Previously owned property” means real property that the claimant or a related person owned during the 2 years prior to the department of commerce designating the place where the property is located as a development zone and for which the claimant may not deduct a loss from the sale of the property to, or an exchange of the property with, the related person under section 267 of the Internal Revenue Code, except that section 267 (b) of the Internal Revenue Code is modified so that if the claimant owns any part of the property, rather than 50% ownership, the claimant is subject to section 267 (a) (1) of the Internal Revenue Code for purposes of this subsection.

(b) Subject to the limitations provided in this subsection and in s. 73.03 (35), for any taxable year for which the claimant is certified, a claimant may claim as a credit against the taxes imposed under s. 71.43 an amount that is equal to 3% of the following:
1. The purchase price of depreciable, tangible personal property.

2. The amount expended to acquire, construct, rehabilitate, remodel, or repair real property in a development zone.

(c) A claimant may claim the credit under par. (b) 1., if the tangible personal property is purchased after the claimant is certified and the personal property is used for at least 50% of its use in the claimant’s business at a location in a development zone or, if the property is mobile, the property’s base of operations for at least 50% of its use is at a location in a development zone.

(d) A claimant may claim the credit under par. (b) 2. for an amount expended to construct, rehabilitate, remodel, or repair real property, if the claimant began the physical work of construction, rehabilitation, remodeling, or repair, or any demolition or destruction in preparation for the physical work, after the place where the property is located was designated a development zone, or if the completed project is placed in service after the claimant is certified. In this paragraph, “physical work” does not include preliminary activities such as planning, designing, securing financing, researching, developing specifications, or stabilizing the property to prevent deterioration.

(e) A claimant may claim the credit under par. (b) 2. for an amount expended to acquire real property, if the property is not previously owned property and if the claimant acquires the property after the place where the property is located was designated a development zone, or if the completed project is placed in service after the claimant is certified.

(f) No credit may be allowed under this subsection unless the claimant includes with the claimant’s return:
1. A copy of a verification from the department of commerce that the claimant may claim tax benefits under s. 560.795 (3) (a) 4. or is certified under s. 560.795 (5).

2. A statement from the department of commerce verifying the purchase price of the investment and verifying that the investment fulfills the requirements under par. (b).

(g) In calculating the credit under par. (b) a claimant shall reduce the amount expended to acquire property by a percentage equal to the percentage of the area of the real property not used for the purposes for which the claimant is certified and shall reduce the amount expended for other purposes by the amount expended on the part of the property not used for the purposes for which the claimant is certified.

(h) The carry-over provisions of s. 71.28 (4) (e) and (f) as they relate to the credit under s. 71.28 (4) relate to the credit under this subsection.

(i) Partnerships, limited liability companies, and tax-option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, that credit shall be determined on the basis of their economic activity, not that of their shareholders, partners, or members. The corporation, partnership, or limited liability company shall compute the amount of credit that may be claimed by each of its shareholders, partners, or members and provide that information to its shareholders, partners, or members. Partners, members of limited liability companies, and shareholders of tax-option corporations may claim the credit based on the partnership’s, company’s, or corporation’s activities in proportion to their ownership interest and may offset it against the tax attributable to their income from the partnership’s, company’s, or corporation’s business operations in the development zone and against the tax attributable to their income from the partnership’s, company’s, or corporation’s directly related business operations.
(j) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits becomes ineligible for such tax benefits, or if a person’s certification under s. 560.795 (5) is revoked, that person may claim no credits under this subsection for the taxable year that includes the day on which the person becomes ineligible for tax benefits, the taxable year that includes the day on which the certification is revoked, or succeeding taxable years, and that person may carry over no unused credits from previous years to offset tax under this chapter for the taxable year that includes the day on which the person becomes ineligible for tax benefits, the taxable year that includes the day on which the certification is revoked, or succeeding taxable years.

(k) If a person who is entitled under s. 560.795 (3) (a) 4. to claim tax benefits or certified under s. 560.795 (5) ceases business operations in the development zone during any of the taxable years that that zone exists, that person may not carry over any unused credits from the taxable year during which operations cease or from previous taxable years.

(L) Section 71.28 (4) (g) and (h) as it applies to the credit under s. 71.28 (4) applies to the credit under this subsection.

SECTION 2192. 71.47 (1dx) (a) 5. of the statutes is amended to read:

71.47 (1dx) (a) 5. “Member of a targeted group” means a person under sub. (2dj) (am) 1., a person who resides in an empowerment zone, or an enterprise community, that the U.S. government designates, a person who is employed in an unsubsidized job but meets the eligibility requirements under s. 49.145 (2) and (3) for a Wisconsin works employment position, a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or a person who is eligible for child care assistance under s. 49.155, a person who is a vocational rehabilitation referral, an economically disadvantaged
youth, an economically disadvantaged veteran, a supplemental security income recipient, a general assistance recipient, an economically disadvantaged ex-convict, a qualified summer youth employee, as defined in 26 USC 51 (d) (7), or a food stamp recipient; if the person has been certified in the manner under sub. (1dj) (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

SECTION 2192. 71.47 (3g) of the statutes is created to read:

71.47 (3g) TECHNOLOGY ZONES CREDIT. (a) Subject to the limitations under this subsection and ss. 73.03 (35m), and 560.96, a business that is certified under s. 560.96 (3) may claim as a credit against the taxes imposed under s. 71.43 an amount equal to the sum of the following, as established under s. 560.96 (3) (c):

1. The amount of real and personal property taxes imposed under s. 70.01 that the business paid in the taxable year.

2. The amount of income and franchise taxes imposed under s. 71.43 that the business paid in the taxable year.

3. The amount of sales and use taxes imposed under ss. 77.52, 77.53, and 77.71 that the business paid in the taxable year.

(b) The department of revenue shall notify the department of commerce of all claims under this subsection.

(c) Section 71.28 (4) (f), (g), and (h), as it applies to the credit under s. 71.28 (4), applies to the credit under par. (a).

SECTION 2194. 71.49 (1) (emb) of the statutes is created to read:

71.49 (1) (emb) Development zone capital investment credit under s. 71.47 (1dm).

SECTION 2195. 71.49 (1) (eon) of the statutes is created to read:

71.49 (1) (eon) Technology zones credit under s. 71.47 (3g).
SECTION 2196. 71.60 (1) (b) of the statutes is amended to read:

71.60 (1) (b) The credit allowed under this subchapter shall be limited to 90% of the first $2,000 of excessive property taxes plus 70% of the 2nd $2,000 of excessive property taxes plus 50% of the 3rd $2,000 of excessive property taxes. The maximum credit shall not exceed $4,200 for any claimant. The credit for any claimant shall be the greater of either the credit as calculated under this subchapter as it exists at the end of the year for which the claim is filed or as it existed on the date on which the farmland became subject to a current agreement under subch. II or III of ch. 91 or under subch. III of ch. 91, 1999 stats., using for such calculations household income and property taxes accrued of the year for which the claim is filed.

SECTION 2197. 71.60 (1) (c) 3. of the statutes is amended to read:

71.60 (1) (c) 3. If the claimant or any member of the claimant’s household owns farmland which is ineligible for credit under subd. 1. or 2. but was subject to a farmland preservation agreement under subch. III of ch. 91, 1999 stats., on July 1 of the year for which credit is claimed, or the owner had applied for such an agreement before July 1 of such year, and the agreement has subsequently been executed, and if the owner has applied by the end of the year in which conversion under s. 91.41, 1999 stats., is first possible for conversion of the agreement to a transition area agreement under subch. II of ch. 91, and the transition area agreement has subsequently been executed, and the farmland is located in a city or village which has a certified exclusive agricultural use zoning ordinance under subch. V of ch. 91 in effect at the close of the year for which credit is claimed, or in a town which is subject to a certified county exclusive agricultural use zoning ordinance under subch. V of ch. 91 in effect at the close of the year for which credit is claimed, the amount of the claim shall be that specified in par. (b).
SECTION 2198. 71.60 (1) (c) 5. of the statutes is amended to read:

71.60 (1) (c) 5. If the claimant or any member of the claimant’s household owns farmland which is ineligible for credit under subds. 1. to 4. but was subject to a farmland preservation agreement under subch. III of ch. 91, 1999 stats., on July 1 of the year for which credit is claimed, or the owner had applied for such an agreement before July 1 of such year, and the agreement has subsequently been executed, and if the owner has applied by the end of the year in which conversion under s. 91.41, 1999 stats., is first possible for conversion of the agreement to an agreement under subch. II of ch. 91, and the agreement under subch. II of ch. 91 has subsequently been executed, the amount of the claim shall be limited to 80% of that specified in par. (b).

SECTION 2199. 71.60 (1) (c) 8. of the statutes is amended to read:

71.60 (1) (c) 8. If the farmland is subject to a farmland preservation agreement under subch. III of ch. 91, 1999 stats., on July 1 of the year for which credit is claimed, or the claimant had applied for such an agreement before July 1 of such year, and the agreement has subsequently been executed, the amount of the claim shall be limited to 50% of that specified in par. (b).

SECTION 2200. 71.93 (1) (a) 3. of the statutes is amended to read:

71.93 (1) (a) 3. An amount that the department of health and family services may recover under s. 49.45 (2) (a) 10. or 49.497, if the department of health and family services has certified the amount under s. 49.85.

SECTION 2201. 73.01 (4) (a) of the statutes is amended to read:

73.01 (4) (a) Subject to the provisions for judicial review contained in s. 73.015, the commission shall be the final authority for the hearing and determination of all questions of law and fact arising under sub. (5) and s. 72.86 (4), 1985 stats., and ss.
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70.11 (21), 70.38 (4) (a), 70.397, 70.64, and 70.995 (8), s. 76.38 (12) (a), 1993 stats.,
ss. 76.39 (4) (c), 76.48 (6), 76.91, 77.26 (3), 77.59 (6) (b), 78.01, 78.22, 78.40, 78.555,
139.02, 139.03, 139.06, 139.31, 139.315, 139.33, 139.76, 139.78, 341.405, and 341.45,
subch. XIV of ch. 71, and subch. VII of ch. 77. Whenever with respect to a pending
appeal there is filed with the commission a stipulation signed by the department of
revenue and the adverse party, under s. 73.03 (25), or the department of
transportation and the adverse party agreeing to an affirmance, modification, or
reversal of the department of revenue's or department of transportation's position
with respect to some or all of the issues raised in the appeal, the commission shall
enter an order affirming or modifying in whole or in part, or canceling the assessment
appealed from, or allowing in whole or in part or denying the petitioner's refund
claim, as the case may be, pursuant to and in accordance with the stipulation filed.
No responsibility shall devolve upon the commission, respecting the signing of an
order of dismissal as to any pending appeal settled by the department of revenue or
the department of transportation without the approval of the commission.

SECTION 2202. 73.01 (5) (a) of the statutes is amended to read:

73.01 (5) (a) Any person who is aggrieved by a determination of the state board
of assessors under s. 70.995 (8) or by the department of revenue under s. 70.11 (21)
or who has filed a petition for redetermination with the department of revenue and
who is aggrieved by the redetermination of the department of revenue may, within
60 days of the determination of the state board of assessors or of the department of
revenue or, in all other cases, within 60 days after the redetermination but not
thereafter, file with the clerk of the commission a petition for review of the action of
the department of revenue and the number of copies of the petition required by rule
adopted by the commission. Any person who is aggrieved by a determination of the
department of transportation under s. 341.405 or 341.45 may, within 30 days after
the determination of the department of transportation, file with the clerk of the
commission a petition for review of the action of the department of transportation
and the number of copies of the petition required by rule adopted by the commission.
If a municipality appeals, its appeal shall set forth that the appeal has been
authorized by an order or resolution of its governing body and the appeal shall be
verified by a member of that governing body as pleadings in courts of record are
verified. The clerk of the commission shall transmit one copy to the department of
revenue, or to the department of transportation, and to each party. In the case of
appeals from manufacturing property assessments, the person assessed shall be a
party to a proceeding initiated by a municipality. At the time of filing the petition,
the petitioner shall pay to the commission a $25 filing fee. The commission shall
deposit the fee in the general fund. Within 30 days after such transmission the
department of revenue, except for petitions objecting to manufacturing property
assessments, or the department of transportation, shall file with the clerk of the
commission an original and the number of copies of an answer to the petition
required by rule adopted by the commission and shall serve one copy on the petitioner
or the petitioner’s attorney or agent. Within 30 days after service of the answer, the
petitioner may file and serve a reply in the same manner as the petition is filed. Any
person entitled to be heard by the commission under s. 76.38 (12) (a), 1993 stats., or
s. 76.39 (4) (c), 76.48, or 76.91 may file a petition with the commission within the time
and in the manner provided for the filing of petitions in income or franchise tax cases.
Such papers may be served as a circuit court summons is served or by certified mail.
For the purposes of this subsection, a petition for review is considered timely filed
if mailed by certified mail in a properly addressed envelope, with postage duly
prepaid, which envelope is postmarked before midnight of the last day for filing.

SECTION 2203. 73.03 (35) of the statutes is amended to read:

73.03 (35) To deny a portion of a credit claimed under s. 71.07 (2dd), (2de), (2di),
(2dj), (2dL), (2dm), (2dr), (2ds) or (2dx), 71.28 (1dd), (1de), (1di), (1dj), (1dm), (1dL),
(1ds), (1dx), or (4) (am) or 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), or
(4) (am) if granting the full amount claimed would violate a requirement under s.
560.785 or would bring the total of the credits granted to that claimant under all of
those subsections over the limit for that claimant under s. 560.768, 560.795 (2) (b),
or 560.797 (5) (b).

SECTION 2204. 73.03 (35m) of the statutes is created to read:

73.03 (35m) To deny a portion of a credit claimed under s. 71.07 (3g), 71.28 (3g),
or 71.47 (3g), if granting the full amount claimed would violate a requirement under
s. 560.96 or would bring the total of the credits claimed under ss. 71.07 (3g), 71.28
(3g), and 71.47 (3g) over the limit for all claimants under s. 560.96 (2).

SECTION 2205. 73.03 (52m) of the statutes is created to read:

73.03 (52m) To enter into agreements with other states that provide for
offsetting state tax refunds against tax obligations of other states and offsetting tax
refunds of other states against state tax obligations, if the agreements provide that
setoffs under ss. 71.93 and 71.935 occur before the setoffs under those agreements.

SECTION 2206. 73.0301 (1) (d) 3. of the statutes is amended to read:

73.0301 (1) (d) 3. A license, certificate of approval, provisional probationary
license, conditional license, certification, certification card, registration, permit,
training permit or approval, or conditional license, certification, approval, or
registration specified in s. 50.02 (3g), 50.35, 50.49 (6) (a) or (10), 50.93 (3), 51.038,
51.04 (1), (2), or (3), 51.42 (7) (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3) or (3m), 146.50
(5) (a) or (b), (6g) (a), (7) or (8) (a) or (f), 250.05 (5), 252.23 (2), 252.24 (2), 254.176,
254.20 (3), 255.08 (2) (a) or 343.305 (6) (a) or a permit for operation of a campground
specified in s. 254.47 (1).

SECTION 2207. 73.0305 of the statutes is amended to read:

73.0305 Revenue limits and intradistrict transfer aid calculations. The
department of revenue shall annually determine and certify to the state
superintendent of public instruction, no later than the 4th Monday in June, the
allowable rate of increase under s. 121.85 (6) (ar) and subch. VII of ch. 121
(2m) (d). The allowable rate of increase is the percentage change in the consumer
price index for all urban consumers, U.S. city average, between the preceding March
31 and the 2nd preceding March 31, as computed by the federal department of labor.

SECTION 2208. 74.23 (1) (a) 2. of the statutes is amended to read:

74.23 (1) (a) 2. Pay to the proper treasurer all collections of special
assessments, special charges and special taxes, except that occupational taxes under
ss. 70.40 to 70.425 70.421 and forest cropland, woodland and managed forest land
taxes under ch. 77 shall be settled for under s. 74.25 (1) (a) 1. to 8.

SECTION 2209. 74.23 (1) (a) 5. of the statutes is created to read:

74.23 (1) (a) 5. Pay to each taxing jurisdiction within the district its
proportionate share of the taxes and interest under s. 70.995 (12) (a).

SECTION 2210. 74.23 (1) (b) of the statutes is amended to read:

74.23 (1) (b) General property taxes. After making the distribution under par.
(a), the taxation district treasurer shall pay to each taxing jurisdiction within the
district its proportionate share of general property taxes, except that the treasurer
shall pay the state’s proportionate share to the county. As part of that distribution,
the taxation district treasurer shall retain for the taxation district and for each tax
incremental district within the taxation district and each environmental remediation tax incremental district created by the taxation district its proportionate share of general property taxes. The taxation district treasurer shall also distribute to the county the proportionate share of general property taxes for each environmental remediation tax incremental district created by the county.

**SECTION 2211.** 74.25 (1) (a) 2. of the statutes is amended to read:

74.25 (1) (a) 2. Pay to the proper treasurer all collections of special assessments, special charges and special taxes, except that occupational taxes under ss. 70.40 to 70.425 and forest cropland, woodland and managed forest land taxes under ch. 77 shall be settled for under subds. 5. to 8.

**SECTION 2212.** 74.25 (1) (a) 3. of the statutes is amended to read:

74.25 (1) (a) 3. Retain all collections of special assessments, special charges and special taxes due to the taxation district, except that occupational taxes under ss. 70.40 to 70.425 and forest cropland, woodland and managed forest land taxes under ch. 77 shall be settled for under subds. 5. to 8.

**SECTION 2213.** 74.25 (1) (a) 4m. of the statutes is created to read:

74.25 (1) (a) 4m. Pay to each taxing jurisdiction within the district its proportionate share of the taxes and interest under s. 70.995 (12) (a).

**SECTION 2214.** 74.25 (1) (b) 1. of the statutes is amended to read:

74.25 (1) (b) 1. Pay in full to each taxing jurisdiction within the district all personal property taxes included in the tax roll which have not previously been paid to, or retained by, that taxing jurisdiction, except that the treasurer shall pay the state’s proportionate share to the county. As part of that distribution, the taxation district treasurer shall allocate to each tax incremental district within the taxation
district and each environmental remediation tax incremental district created by the

taxation district its proportionate share of personal property taxes. The taxation
district treasurer shall also distribute to the county the proportionate share of
general property taxes for each environmental remediation tax incremental district
created by the county.

SECTION 2215. 74.25 (1) (b) 2. of the statutes is amended to read:

74.25 (1) (b) 2. Pay to each taxing jurisdiction within the district its
proportionate share of real property taxes, except that the treasurer shall pay the
state’s proportionate share to the county. As part of that distribution, the taxation
district treasurer shall retain for the taxation district and for each tax incremental
district within the taxation district and each environmental remediation tax
incremental district created by the taxation district its proportionate share of real
property taxes. The taxation district treasurer shall also distribute to the county the
proportionate share of general property taxes for each environmental remediation
tax incremental district created by the county.

SECTION 2216. 74.30 (1) (b) of the statutes is amended to read:

74.30 (1) (b) Pay to the proper treasurer all collections of special assessments,
special charges and special taxes, except that occupational taxes under ss. 70.40 to
70.425 70.421 and forest cropland, woodland and managed forest land taxes under
ch. 77 shall be settled for under pars. (e) to (h).

SECTION 2217. 74.30 (1) (c) of the statutes is amended to read:

74.30 (1) (c) Retain all collections of special assessments, special charges and
special taxes due to the taxation district, except that occupational taxes under ss.
70.40 to 70.425 70.421 and forest cropland, woodland and managed forest land taxes
under ch. 77 shall be settled for under pars. (e) to (h).
SECTION 2218. 74.30 (1) (dm) of the statutes is created to read:
74.30 (1) (dm)  Pay to each taxing jurisdiction within the district its proportionate share of the taxes and interest under s. 70.995 (12) (a).

SECTION 2219. 74.30 (1) (i) of the statutes is amended to read:
74.30 (1) (i)  Pay in full to each taxing jurisdiction within the district all personal property taxes included in the tax roll which have not previously been paid to, or retained by, each taxing jurisdiction, except that the treasurer shall pay the state's proportionate share to the county. As part of that distribution, the taxation district treasurer shall allocate to each tax incremental district within the taxation district and each environmental remediation tax incremental district created by the taxation district its proportionate share of personal property taxes. The taxation district treasurer shall also distribute to the county the proportionate share of general property taxes for each environmental remediation tax incremental district created by the county.

SECTION 2220. 74.30 (1) (j) of the statutes is amended to read:
74.30 (1) (j)  Pay to each taxing jurisdiction within the district its proportionate share of real property taxes, except that the treasurer shall pay the state's proportionate share to the county. As part of that distribution, the taxation district treasurer shall retain for the taxation district and for each tax incremental district within the taxation district and each environmental remediation tax incremental district created by the taxation district its proportionate share of real property taxes. The taxation district treasurer shall also distribute to the county the proportionate share of general property taxes for each environmental remediation tax incremental district created by the county.

SECTION 2221. 74.30 (2) (b) of the statutes is amended to read:
74.30 (2) (b) Pay to each taxing jurisdiction within the district its proportionate share of real property taxes collected, except that the taxation district treasurer shall pay the state’s proportionate share to the county, and the county treasurer shall settle for that share under s. 74.29. As part of that distribution, the taxation district treasurer shall retain for the taxation district and for each tax incremental district within the taxation district and each environmental remediation tax incremental district created by the taxation district its proportionate share of real property taxes. The taxation district treasurer shall also distribute to the county the proportionate share of general property taxes for each environmental remediation tax incremental district created by the county.

**SECTION 2222.** 74.35 (3) (c) of the statutes is amended to read:

74.35 (3) (c) If the governing body of the taxation district determines that an unlawful tax has been paid and that the claim for recovery of the unlawful tax has complied with all legal requirements, the governing body shall allow the claim. The except as provided in par. (cm), the taxation district treasurer shall pay the claim not later than 90 days after the claim is allowed.

**SECTION 2223.** 74.35 (3) (cm) of the statutes is created to read:

74.35 (3) (cm) A municipality may pay a refund under par. (c) of the taxes on property that is assessed under s. 70.995 in 5 annual installments, each of which except the last is equal to at least 20% of the sum of the refund and the interest on the refund, beginning in the year of the determination under par. (c), if all of the following conditions exist:

1. The municipality’s property tax levy for its general operations for the year for which the taxes to be refunded are due is less than $100,000,000.
2. The refund is at least 0.0025% of the municipality's levy for its general operations for the year for which the taxes to be refunded are due.

3. The refund is more than $10,000.

SECTION 2224. 74.37 (3) (c) of the statutes is amended to read:

74.37 (3) (c) If the governing body of the taxation district or county that has a county assessor system determines that a tax has been paid which was based on an excessive assessment, and that the claim for an excessive assessment has complied with all legal requirements, the governing body shall allow the claim. The Exception as provided in par. (cm), the taxation district or county treasurer shall pay the claim not later than 90 days after the claim is allowed.

SECTION 2225. 74.37 (3) (cm) of the statutes is created to read:

74.37 (3) (cm) A municipality may pay a refund under par. (c) of the taxes on property that is assessed under s. 70.995 in 5 annual installments, each of which except the last is equal to at least 20% of the sum of the refund and the interest on the refund, beginning in the year of the determination under par. (c), if all of the following conditions exist:

1. The municipality's property tax levy for its general operations for the year for which the taxes to be refunded are due is less than $100,000,000.

2. The refund is at least 0.0025% of the municipality's levy for its general operations for the year for which the taxes to be refunded are due.

3. The refund is more than $10,000.

SECTION 2226. 74.41 (1) (d) of the statutes is created to read:

74.41 (1) (d) Have been corrected under s. 70.73 (1m).

SECTION 2227. 75.001 (2) of the statutes is amended to read:
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75.001 (2) “Tax deed” means a tax deed executed under s. 75.107 or 75.14, a deed executed under s. 75.19 or a judgment issued under s. 75.521.

SECTION 2228. 75.107 of the statutes is created to read:

75.107 Tax deed of property contaminated by a hazardous substance.

(1) DEFINITIONS. In this section:

(a) “Brownfield” has the meaning given in s. 560.13 (1) (a).

(b) “Department” means the department of natural resources.

(c) “Discharge” has the meaning given in s. 292.01 (3).

(d) “Hazardous substance” has the meaning given in s. 292.01 (5).

(2) TAX DEED. If any property subject to a tax deed is not redeemed within the time period provided under s. 74.57 (2) (b) (intro.), the governing body of the county in which the property is located may direct the county clerk to execute a tax deed of the property if all of the following apply:

(a) The county clerk complies with s. 75.14 (2) as it relates to the property.

(b) The governing body of the county provides written notice to the governing body of the municipality in which the property is located at least 15 days before the governing body of the county meets to consider approving executing the tax deed.

(c) The property is a brownfield.

(d) An environmental assessment of the property has been conducted and the results of that assessment are provided to the department.

(e) If the property is contaminated by a hazardous substance, as determined by the assessment under par. (d), and the person to whom the tax deed is to be executed agrees to accept the tax deed regardless of the contamination, the person enters into an agreement with the department to, pursuant to rules promulgated by the department, investigate and clean up the property to the extent practicable;
minimize the harmful effects from the hazardous substance; and maintain and
monitor the property.

(3) ADMINISTRATION. Section 75.14 (1) and (4), as it applies to issuing a tax deed
under that section, applies to issuing a tax deed under sub. (2), except that a person
who accepts a tax deed under sub. (2) shall take title to, and is the owner of the
property. A person who accepts a tax deed under sub. (2) may commence an action
to bar any former owner of the property, and anyone claiming under a former owner,
from all right, title, interest, or claim in the property in the manner specified under
ss. 75.39 to 75.42.

SECTION 2229. 75.69 (1m) (c) of the statutes is created to read:

75.69 (1m) (c) Notwithstanding sub. (1), a county may sell tax delinquent real
property acquired by the county without using a competitive bidding process, if all
of the following apply:

1. The county provides written notice of the sale to the clerk of the municipality
in which the property is located at least 15 days before the sale.
2. The property is contaminated by a hazardous substance, as defined in s.
292.01 (5).
3. The property is a brownfield, as defined in s. 560.13 (1) (a).
4. An environmental assessment of the property has been conducted and the
results of that assessment are provided to the department of natural resources.
5. The purchaser of the property enters into an agreement with the department
of natural resources to, pursuant to rules that the department promulgates,
investigate and clean up the property to the extent practicable; minimize any
harmful effects from the hazardous substance; and maintain and monitor the
property.
SECTION 2230. 75.69 (4) of the statutes is amended to read:

75.69 (4) No except as provided in sub. (1m) (c) 1., no tax delinquent real estate may be sold by a county under this section unless notice of such sale is mailed to the clerk of the municipality in which the real estate is located at least 3 weeks prior to the time of the sale. Any county may sell tax delinquent real estate by open or closed bid.

SECTION 2231. 76.02 (1) of the statutes is amended to read:

76.02 (1) “Air carrier company” means any person engaged in the business of transportation in aircraft of persons or property for hire on regularly scheduled flights, except an air carrier company whose property is exempt from taxation under s. 70.11 (42) (b). In this subsection, “aircraft” means a completely equipped operating unit, including spare flight equipment, used as a means of conveyance in air commerce.

SECTION 2232. 76.025 (2) of the statutes is amended to read:

76.025 (2) If the property of any company defined in s. 76.28 (1), except a qualified wholesale electric company as defined in s. 76.28 (1) (gm) and a wholesale merchant plant as defined in s. 196.491 (1) (w), is located entirely within a single town, village or city, it shall be subject to local assessment and taxation.

SECTION 2233. 76.28 (1) (e) (intro.) of the statutes is amended to read:

76.28 (1) (e) (intro.) “Light, heat and power companies” means any person, association, company or corporation, including corporations described in s. 66.0813, qualified wholesale electric companies, wholesale merchant plants as defined in s. 196.491 (1) (w), and transmission companies and except only business enterprises carried on exclusively either for the private use of the person, association, company or corporation engaged in them, or for the private use of a person, association,
company or corporation owning a majority of all outstanding capital stock or who
control the operation of business enterprises and except electric cooperatives taxed
under s. 76.48 that engage in any of the following businesses:

SECTION 2234. 76.28 (1) (f) of the statutes is amended to read:

76.28 (1) (f) “Payroll factor” means a fraction the numerator of which is the total
amount paid in this state during the tax period by the taxpayer for compensation and
the denominator of which is the total compensation paid everywhere during the tax
period, except that compensation solely related to the production of nonoperating
revenues shall be excluded from the numerator and denominator of the payroll factor
and except that compensation related to the production of both operating and
nonoperating revenue shall be partially excluded from the numerator and
denominator of the payroll factor so as to exclude as near as possible the portion of
compensation related to the production of nonoperating revenue. Compensation is
paid in this state if the individual’s service is performed entirely within this state,
or if the individual’s service is performed both within and outside this state but the
service performed outside this state is incidental to the individual’s service within
this state, or if some of the service is performed in this state and the base of operations
or, if there is no base of operations, the place from which the service is directed or
controlled is in this state or the base of operations or the place from which the service
is directed or controlled is not in any state in which part of the service is performed
and the individual’s residence is in this state. In this paragraph, “compensation”
includes management and service fees paid to an affiliated service corporation
pursuant to 15 USC 79.

SECTION 2235. 76.28 (2) (a) of the statutes is amended to read:
76.28 (2) (a) There is imposed on every light, heat and power company an annual license fee to be assessed by the department on or before May 1, 1985, and every May 1 thereafter measured by the gross revenues of the preceding year, excluding gross revenues under s. 76.29, at the rates and by the methods set forth under pars. (b) to (d). The fee shall become delinquent if not paid when due and when delinquent shall be subject to interest at the rate of 1.5% per month until paid. Payment in full of the May 1 assessment constitutes a license to carry on business for the 12–month period commencing on the preceding January 1.

SECTION 2236. 76.29 of the statutes is created to read:

76.29 License fee for selling electricity at wholesale. (1) Definitions.

In this section:

(a) “Apportionment factor” has the meaning given in s. 76.28 (1) (a).

(b) “Department” means the department of revenue.

(c) “Electric cooperative” has the meaning given in s. 76.48 (1g) (c).

(d) “Gross revenues” means total revenues from the sale of electricity for resale by the purchaser of the electricity.

(e) “Light, heat, and power companies” has the meaning given in s. 76.28 (1) (e).

(f) “Tax period” means each calendar year or portion of a calendar year from January 1, 2003, to December 31, 2008.

(2) Imposition. There is imposed on every light, heat, and power company and electric cooperative that owns an electric utility plant, an annual license fee to be assessed by the department on or before May 1, 2004, and every May 1 thereafter, ending with the assessment on May 1, 2009, measured by the gross revenues of the
preceding tax period in an amount equal to the apportionment factor multiplied by
gross revenues multiplied by 1.59%. The fee shall become delinquent if not paid
when due and when delinquent shall be subject to interest at the rate of 1.5% per
month until paid.

(3) ADMINISTRATION. Section 76.28 (3) (c) and (4) to (11), as it applies to the fee
imposed under s. 76.28 (2), applies to the fee imposed under this section.

SECTION 2237. 76.48 (1r) of the statutes is amended to read:

76.48 (1r) Every Except as provided in s. 76.29, every electric cooperative shall
pay, in lieu of other general property and income or franchise taxes, an annual license
fee equal to its apportionment factor multiplied by its gross revenues, excluding
gross revenues under s. 76.29, multiplied by 3.19%. Real estate and personal
property not used primarily for the purpose of generating, transmitting or
distributing electric energy are subject to general property taxes. If a general
structure is used in part to generate, transmit or distribute electric energy and in
part for nonoperating purposes, the license fee imposed by this section is in place of
the percentage of all other general property taxes that fairly measures and
represents the extent of the use in generating, transmitting or distributing electric
energy, and the balance is subject to local assessment and taxation, except that the
entire general structure is subject to special assessments for local improvements.

SECTION 2238. 76.60 of the statutes is amended to read:

76.60 Fire and marine insurers; license fees. Every insurer doing a fire
or marine insurance business, other than domestic insurers and insurers excepted
under s. 76.61, shall pay to the state, in respect to marine insurance a tax of 0.5% and
in respect to fire insurance a tax of 2.375% on the amount of its gross premiums, as
calculated under s. 76.62. In case any insurer discontinues business in this state and
reinsures the whole or a part of its risks without making payment of this tax, the insurer accepting such reinsurance shall pay the tax. If several insurers make such reinsurance the tax shall be apportioned among the insurers in proportion to the original premiums upon the business in this state so reinsured by each such insurer. Upon the payment of the tax provided in this section, and the fees required by under s. 601.31, such insurer may be licensed to transact its business until May 1 in the ensuing year, unless before then its license is revoked or forfeited according to law.

SECTION 2239. 76.61 of the statutes is amended to read:

**76.61 Town mutual insurers; taxes, charges, dues, and license fees.** No town mutual insurer organized under or subject to ch. 612 shall be required to pay any taxes, charges, dues, or license fees to the state except those charges and dues provided for in under ss. 601.31, 601.32, 601.45, and 601.93.

SECTION 2240. 76.68 (1) of the statutes is amended to read:

**76.68 (1)** Every license issued under this subchapter and chs. 600 to 646 shall certify that payment of the license fee or tax and the fee required by s. 601.31 (1) (b) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b) has been made paid, be signed by the commissioner of insurance, and be in a form approved by the attorney general.

SECTION 2241. 76.68 (2) of the statutes is amended to read:

**76.68 (2)** No suit may be brought to restrain or enjoin the collection of any license fee or tax imposed or provided for by this subchapter, and or the fees required by under s. 601.31. Any insurer aggrieved by the payment of any such license or other fee or tax may maintain a suit against the state for the recovery thereof in the circuit court for Dane County within 6 months from the time of the payment. The state may be served in the suit as provided in s. 801.11 (3).
SECTION 2242. 76.68 (4) of the statutes is amended to read:

76.68 (4) The attorney general shall institute suit in the circuit court for Dane County to recover any license fees or tax not paid within the time prescribed by this subchapter, and the fees required by under s. 601.31. Nothing in this subsection shall be construed as amending or modifying in any respect ch. 775.

SECTION 2243. 76.81 of the statutes is amended to read:

76.81 Imposition. There is imposed a tax on the real property of, and the tangible personal property of, every telephone company, excluding property that is exempt from the property tax under s. 70.11 (39), motor vehicles that are exempt under s. 70.112 (5), property that is used less than 50% in the operation of a telephone company, as provided under s. 70.112 (4) (b), and treatment plant and pollution abatement equipment that is exempt under s. 70.11 (21) (a). Except as provided in s. 76.815, the rate for the tax imposed on each description of real property and on each item of tangible personal property is the net rate for the prior year for the tax under ch. 70 in the taxing jurisdictions where the description or item is located. The real and tangible personal property of a telephone company shall be assessed as provided under s. 70.112 (4) (b).

SECTION 2244. 77.51 (20) of the statutes is amended to read:

77.51 (20) “Tangible personal property” means all tangible personal property of every kind and description and includes electricity, natural gas, steam, and water, and also leased property affixed to realty if the lessor has the right to remove the property upon breach or termination of the lease agreement, unless the lessor of the property is also the lessor of the realty to which the property is affixed. “Tangible personal property” also includes coins and stamps of the United States sold or traded
as collectors’ items above their face value and computer programs except, including custom computer programs.

SECTION 2245. 77.52 (2) (a) 10. of the statutes is amended to read:

77.52 (2) (a) 10. Except for installing or applying tangible personal property which, when installed or applied, will constitute an addition or capital improvement of real property, the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection and maintenance of all items of tangible personal property unless, at the time of such repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection or maintenance, a sale in this state of the type of property repaired, serviced, altered, fitted, cleaned, painted, coated, towed, inspected or maintained would have been exempt to the customer from sales taxation under this subchapter, other than the exempt sale of a motor vehicle or truck body to a nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51 (14r). For purposes of this paragraph, the following items shall be deemed to have retained their character as tangible personal property, regardless of the extent to which any such item is fastened to, connected with or built into real property: furnaces, boilers, stoves, ovens, including associated hoods and exhaust systems, heaters, air conditioners, humidifiers, dehumidifiers, refrigerators, coolers, freezers, water pumps, water heaters, water conditioners and softeners, clothes washers, clothes dryers, dishwashers, garbage disposal units, radios and radio antennas, incinerators, television receivers and antennas, record players, tape players, jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs, bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps, electronic dust collectors, grills and rotisseries, bar equipment, intercoms, recreational, sporting, gymnasium and athletic goods and equipment including by
way of illustration but not of limitation bowling alleys, golf practice equipment, pool
tables, punching bags, ski tows and swimming pools; office, restaurant and tavern
type equipment in offices, business facilities, schools, and hospitals but not in
residential facilities including personal residences, apartments, long-term care
facilities, as defined under s. 16.009 (1) (em), state institutions, as defined under s.
101.123 (1) (i), or similar facilities, including by way of illustration but not of
limitation lamps, chandeliers, and fans, venetian blinds, canvas awnings, office and
business machines, ice and milk dispensers, beverage-making equipment, vending
machines, soda fountains, steam warmers and tables, compressors, condensing units
and evaporative condensers, pneumatic conveying systems; laundry, dry cleaning,
and pressing machines, power tools, burglar alarm and fire alarm fixtures, electric
clocks and electric signs. “Service” does not include services performed by
veterinarians.

SECTION 2246. 77.54 (9a) (a) of the statutes is amended to read:

77.54 (9a) (a) This state or any agency thereof and, the University of Wisconsin
Hospitals and Clinics Authority, and the Fox River Navigational System Authority.

SECTION 2247. 77.65 of the statutes is created to read:

77.65 Determination of sales and use tax receipts for aeronautical
activities. By July 1, 2004, and every July 1 thereafter, the department shall
determine, and deposit in the transportation fund, the total amount of the sales tax
and use tax, as imposed under ss. 77.52 and 77.53, paid in the immediately preceding
calendar year on the sale and use of noncommercial aircraft.

SECTION 2248. 77.92 (4) of the statutes is amended to read:

77.92 (4) “Net business income”, with respect to a partnership, means taxable
income as calculated under section 703 of the Internal Revenue Code; plus the items
of income and gain under section 702 of the Internal Revenue Code, including taxable
state and municipal bond interest and excluding nontaxable interest income or
dividend income from federal government obligations; minus the items of loss and
deduction under section 702 of the Internal Revenue Code, except items that are not
deductible under s. 71.21; plus guaranteed payments to partners under section 707
(c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
(2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), and (3g), and (3s); and plus or minus, as
appropriate, transitional adjustments, depreciation differences, and basis
differences under s. 71.05 (13), (15), (16), (17), and (19); but excluding income, gain,
loss, and deductions from farming. “Net business income”, with respect to a natural
person, estate, or trust, means profit from a trade or business for federal income tax
purposes and includes net income derived as an employee as defined in section 3121
(d) (3) of the Internal Revenue Code.

SECTION 2249. 77.94 (1) (b) of the statutes is amended to read:

77.94 (1) (b) On an entity under s. 77.93 (2) or (3), or (5), except an entity that
has less than $4,000,000 of gross receipts, an amount equal to the amount calculated
by multiplying net business income as allocated or apportioned to this state by means
of the methods under s. 71.04, for the taxable year of the entity by 0.2 %, up to a
maximum of $9,800, or $25, whichever is greater.

SECTION 2250. 77.94 (1) (c) of the statutes is repealed.

SECTION 2251. 77.996 (2) (intro.) of the statutes is amended to read:

77.996 (2) (intro.) “Dry cleaning facility” means a facility that dry cleans
apparel or household fabrics for the general public using a dry cleaning product.

SECTION 2252. 77.996 (3) of the statutes is amended to read:
77.996 (3) “Dry cleaning solvent product” means a chlorine-based or hydrocarbon-based formulation or product that is used as a primary cleaning agent in dry-cleaning facilities. Hazardous substance used to clean apparel or household fabrics, except a hazardous substance used to launder apparel or household products.

**SECTION 2253.** 77.9962 of the statutes is amended to read:

**77.9962 Dry cleaning solvents products fee.** There is imposed on each person who sells a dry cleaning solvent product to a dry cleaning facility a fee equal to $5 per gallon of perchloroethylene sold and 75 cents per gallon of any dry cleaning product sold, other than perchloroethylene. The fees for the previous 3 months are due on January 25, April 25, July 25, and October 25.

**SECTION 2254.** 77.9963 of the statutes is repealed.

**SECTION 2255.** 78.55 (1) of the statutes is amended to read:

78.55 (1) “Air carrier company” has the meaning given in s. 76.02 (1) 70.11 (42) (a) 1.

**SECTION 2256.** 79.005 (1) of the statutes is amended to read:

79.005 (1) “Municipality” means any town, village, or city in this state. If a municipality is located in more than one county, payments under this subchapter shall be computed using data for the municipality as a whole. If a municipality is located in more than one growth-sharing region, as defined in s. 79.065 (1) (d), payments under s. 79.065 (3) shall be computed using data for the portion of the municipality that is located in each growth-sharing region.

**SECTION 2257.** 79.005 (2) of the statutes is amended to read:
79.005 (2) “Population” means the number of persons residing in each municipality and county of the state as last determined by the department of administration under s. 16.96, except that under s. 79.065 (3) (b), if a municipality is located in more than one growth-sharing region, “population” means the number of persons residing in the portion of the municipality located in each growth-sharing region.

Section 2258. 79.01 (1) of the statutes is amended to read:

79.01 (1) There is established an account in the general fund entitled the “Expenditure Restraint Program Account.” There shall be appropriated to that account $25,000,000 in 1991, in 1992, and in 1993; $42,000,000 in 1994; $48,000,000 in each year beginning in 1995 and ending in 1999 and; $57,000,000 beginning in the year 2000 and ending in 2001; and $63,000,000 in 2002 and in each year thereafter.

Section 2259. 79.01 (2) of the statutes is amended to read:

79.01 (2) There is established an account in the general fund entitled the “Municipal and County Shared Revenue Account,” referred to in this chapter as the “shared revenue account.” There shall be appropriated to the shared revenue account the sums specified in ss. 79.03 and, 79.04, and 79.06.

Section 2260. 79.01 (5) of the statutes is created to read:

79.01 (5) There is established an account in the general fund entitled the “Municipal Growth-Sharing Account.” There shall be appropriated to that account an amount, determined by the department of revenue, that is equal to the sales and use tax revenue collected under subch. III of ch. 77 in the fiscal year prior to the fiscal year that any municipality receives the statement under s. 79.015 multiplied by .05.

Section 2261. 79.01 (6) of the statutes is created to read:
79.01 (6) There is established an account in the general fund entitled the “Municipal Services Aid Account.” There shall be appropriated to that account the amounts necessary to make the payments to municipalities under ss. 79.04 (1) and (4) (a) and 79.065 (2) and to make the payments to municipalities under s. 79.065 (5) that are not paid from s. 20.835 (1) (dd).

SECTION 2262. 79.015 of the statutes is amended to read:

79.015 Statement of estimated payments. The department of revenue, on or before September 15 of each year, shall provide to each municipality and county a statement of estimated payments to be made in the next calendar year to the municipality or county under ss. 79.03, 79.04, 79.05, 79.058 and, 79.06, and 79.065.

SECTION 2263. 79.02 (2) (b) of the statutes is amended to read:

79.02 (2) (b) Subject to s. 59.605 (4), payments in July shall equal 15% of the municipality’s or county’s estimated payments under ss. 79.03, 79.04, 79.05, 79.058 and, 79.06, and 79.065, minus any amount deducted from a municipality’s payment as provided in a statement concerning the municipality under ss. 6.50 (2s) and 7.08 (7), and 100% of the municipality’s estimated payments under s. 79.05.

SECTION 2264. 79.02 (3) of the statutes is amended to read:

79.02 (3) Subject to s. 59.605 (4), payments to each municipality and county in November shall equal that municipality’s or county’s entitlement to shared revenues under ss. 79.03, 79.04, 79.05, 79.058 and, 79.06, and 79.065 for the current year, minus the amount distributed to the municipality or county in July and minus any amount deducted from a municipality’s entitlement as provided in a statement concerning the municipality under ss. 6.50 (2s) and 7.08 (7).

SECTION 2265. 79.03 (1) of the statutes is amended to read:
79.03 (1) Each municipality and county is entitled to shared revenue, consisting of an amount determined on the basis of population under sub. (2), plus an amount determined under sub. (3).

**Section 2266.** 79.03 (2) of the statutes is repealed.

**Section 2267.** 79.03 (3) (a) of the statutes is amended to read:

79.03 (3) (a) The amount in the shared revenue account for municipalities and the amount in the shared revenue account for counties, less the payments under sub. (2) and s. 79.04, shall be allocated to each municipality and county respectively in proportion to its entitlement. In this paragraph, “entitlement” means the product of aidable revenues and tax base weight.

**Section 2268.** 79.03 (3) (b) 1. of the statutes is amended to read:

79.03 (3) (b) 1. “Aidable revenues” means:

a. For a municipality, the average local purpose revenues.

b. For a county, 85% of the average local purpose revenue.

**Section 2269.** 79.03 (3) (b) 3. of the statutes is amended to read:

79.03 (3) (b) 3. “Full valuation” means the full value of property that is exempt under s. 70.11 (39) as determined under s. 79.095 (3) plus the full value of all taxable property for the preceding year as equalized for state tax purposes, except that for municipalities the value of real estate assessed under s. 70.995 is excluded. Value increments under s. 66.1105 plus the full value of property that is exempt under s. 70.11 (39) that would otherwise be part of a value increment are included for municipalities but excluded for counties. Environmental remediation value increments under s. 66.1106 are included for municipalities and counties that create the environmental remediation tax incremental district and are excluded for units of government counties that do not create the district. If property that had been
assessed under s. 70.995 and that has a value exceeding 10% of a municipality's value
is assessed under s. 70.10, 30% of that property's full value is included in “full
valuation” for purposes of the shared revenue payments in the year after the
assessment under s. 70.10, 65% of that property's full value is included in “full
valuation” for purposes of the shared revenue payments in the year 2 years after the
assessment under s. 70.10 and 100% of that property's full value is included in “full
valuation” for purposes of subsequent shared revenue payments.

Section 2270. 79.03 (3) (b) 4. (intro.) of the statutes is amended to read:

79.03 (3) (b) 4. (intro.) “Local purpose revenues” means the sum of payments
under s. 79.095, local general purpose taxes, regulation revenues, revenues for
services to private parties by a county’s or municipality’s general operations or
enterprises, revenue for sanitation services to private parties, special assessment
revenues, and tax base equalization aids and, for municipalities only, a proxy for
private sewer service costs, a proxy for private solid waste and recycling service costs
and a proxy for retail charges for fire protection purposes. In this subdivision:

Section 2271. 79.03 (3) (b) 4. a. of the statutes is amended to read:

79.03 (3) (b) 4. a. “Local general purpose taxes” means the portion of tax
increments collected for payment to a municipality under s. 66.1105 which is
attributable to that municipality’s own levy, the portion of environmental
remediation tax increments collected for payment to a municipality or county under
s. 66.1106 that is attributable to that municipality’s or county’s own levy, general
property taxes, excluding taxes for a county children with disabilities education
board, collected to finance the general purpose government unit, property taxes
collected for sewage and sanitary districts, mobile home fees, the proceeds of county
sales and use taxes, and municipal and county vehicle registration fees under s. 341.35 (1).

SECTION 2272. 79.03 (3) (b) 4. b. of the statutes is repealed.

SECTION 2273. 79.03 (3) (b) 4. bg. of the statutes is repealed.

SECTION 2274. 79.03 (3) (b) 4. bm. of the statutes is repealed.

SECTION 2275. 79.03 (3) (b) 4. d. of the statutes is amended to read:

79.03 (3) (b) 4. d. “Revenue for sanitation services to private parties” means revenues collected from private parties by a county’s or municipality’s general operations or enterprises and by sewerage, sanitation, or inland lake rehabilitation districts as refuse collection fees, sewerage service fees, and landfill fees.

SECTION 2276. 79.03 (3) (b) 4. e. of the statutes is amended to read:

79.03 (3) (b) 4. e. “Revenues for services to private parties by a county’s or municipality’s general operations or enterprises” means revenues collected from private parties for the following services: general government services consisting of license publication fees, sale of publications, clerk’s fees, and treasurer’s fees; public safety services, consisting of police or sheriff’s department fees, fire department fees, and ambulance fees; inspection services, consisting of building, electrical, heat, plumbing, elevator, and weights and measures; sidewalk replacement or construction fees, storm sewer construction fees, street lighting fees; parking ramps, meters and lot fees; library fines or fees; and museum and zoo users or admission fees.

SECTION 2277. 79.03 (3) (b) 4. f. of the statutes is amended to read:

79.03 (3) (b) 4. f. “Special assessment revenues” means charges assessed against benefited properties for capital improvements by a municipality or county
placed on the current tax roll for collection or collected during the year in advance of being placed on the tax roll.

**SECTION 2278.** 79.03 (3) (b) 4. h. of the statutes is repealed.

**SECTION 2279.** 79.03 (3) (b) 5. of the statutes is amended to read:

79.03 (3) (b) 5. “Standardized valuation” means the product of the standardized valuation per person times the population of a municipality or a county in the preceding year.

**SECTION 2280.** 79.03 (3) (b) 6. of the statutes is amended to read:

79.03 (3) (b) 6. “Standardized valuation per person” is that number that when used in the computation under par. (a) most nearly approximates the sum of entitlements for all municipalities or for all counties respectively to the funds distributable under par. (a).

**SECTION 2281.** 79.03 (4) of the statutes is amended to read:

79.03 (4) In 1991, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is $869,000,000. In 1992, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is $885,961,300. In 1993, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is $903,680,500. In 1994, the total amounts to be distributed under this section and ss. 79.04 and 79.06 from s. 20.835 (1) (d) are $746,547,500 to municipalities and $168,981,800 to counties. In **Beginning in 1995 and subsequent years ending in 2001,** the total amounts to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) are $761,478,000 to municipalities and $168,981,800 to counties. **In 2002,** the total amount to be distributed to municipalities under ss. 79.04 and 79.065 (2) from s. 20.835 (1) (db) is $755,478,000, less the amounts distributed under s. 79.065 (3) from s. 20.835 (1) (dd). In **2003 and subsequent years,**
the total amount to be distributed to municipalities under ss. 79.04 and 79.065 (2) from s. 20.835 (1) (db) is the amount distributed under ss. 79.04 and 79.065 (2) to municipalities in 2002. In 2002 and subsequent years, the total amount to be distributed under ss. 79.03, 79.04, and 79.06 from s. 20.835 (1) (d) is $168,981,800.

In 2002, and subsequent years, the amount to be distributed to municipalities from s. 20.835 (1) (d) shall be increased by any amounts to be paid under s. 79.04 for any qualifying property of wholesale merchant plants, located in a municipality, that did not exist in the previous year, and the amount to be distributed to counties from s. 20.835 (1) (d) shall be increased by any amounts to be paid under s. 79.04 for any qualifying property of wholesale merchant plants, located in a county, that did not exist in the previous year.

SECTION 2282. 79.04 (1) (intro.) of the statutes is amended to read:

79.04 (1) (intro.)  Annually the department of administration, upon certification by the department of revenue, shall distribute to a municipality having within its boundaries a production plant or a general structure, including production plants and general structures under construction, used by a light, heat, or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless the production plant is owned or operated by a local governmental unit located outside of the municipality, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825 the amount determined as follows:

SECTION 2283. 79.04 (1) (a) of the statutes is amended to read:

79.04 (1) (a)  An amount from the shared revenue account determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, the first $125,000,000 of the amount shown in the account, plus leased property, of
each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), and except wholesale merchant plants, as defined in s. 196.491 (1) (w), on December 31 of the preceding year for either “production plant, exclusive of land” and “general structures”, or “work in progress” for production plants and general structures under construction, in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within a municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21) (a), as determined by the department of revenue plus an amount from the shared revenue account determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, of the first $125,000,000 of the total original cost of production plant, general structures and work-in-progress less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), and each wholesale merchant plant, as defined in s. 196.491 (1) (w), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than $125,000,000. The amount distributable to a municipality in any year shall not exceed $300 times the population of the municipality.

**SECTION 2284.** 79.04 (1) (c) 2. of the statutes is amended to read:

79.04 (1) (c) 2. If a production plant is located in more than one municipality, the total payment under subd. 1. shall be apportioned according to the amounts shown on the preceding December 31 for the production plant in the account
described in par. (a) for “production plant exclusive of land” within each municipality for all public utilities except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), and except wholesale merchant plants, as defined in s. 196.491 (1) (w), or according to the value as reported to the department of revenue under par. (a) of the production plant within each municipality for each qualified wholesale electric company. The payment to each municipality under this subdivision shall be no less than $15,000 annually.

**SECTION 2285.** 79.04 (2) (a) of the statutes is amended to read:

> 79.04 (2) (a) Annually, the department of administration, upon certification by the department of revenue, shall distribute from the shared revenue account to any county having within its boundaries a production plant or a general structure, including production plants and general structures under construction, used by a light, heat or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless the production plant is owned or operated by a local governmental unit that is located outside of the municipality in which the production plant is located, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an amount determined by multiplying by 6 mills in the case of property in a town and by 3 mills in the case of property in a city or village the first $125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), and except wholesale merchant plants, as defined in s. 196.491 (1) (w), on December 31 of the preceding year for either “production plant, exclusive of land” and “general structures”, or “work in progress” for production plants and general structures under construction, in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for
all property within the municipality in accordance with the system of accounts
established by the public service commission or rural electrification administration,
less depreciation thereon as determined by the department of revenue and less the
value of treatment plant and pollution abatement equipment, as defined under s.
70.11 (21) (a), as determined by the department of revenue plus an amount from the
shared revenue account determined by multiplying by 6 mills in the case of property
in a town, and 3 mills in the case of property in a city or village, of the total original
cost of production plant, general structures and work-in-progress less depreciation,
land and approved waste treatment facilities of each qualified wholesale electric
company, as defined in s. 76.28 (1) (gm), and each wholesale merchant plant, as
defined in s. 196.491 (1) (w), as reported to the department of revenue of all property
within the municipality. The total of amounts, as depreciated, from the accounts of
all public utilities for the same production plant is also limited to not more than
$125,000,000. The amount distributable to a county in any year shall not exceed
$100 times the population of the county.

**SECTION 2286.** 79.06 (1) of the statutes is amended to read:

79.06 (1) Minimum Payments. (b) If the payments to any municipality or county
under s. 79.03, excluding payments under s. 79.03 (3c), in 1986 or any year thereafter
are less than 95% of the combined payments to the municipality or county under this
section and s. 79.03, excluding payments under s. 79.03 (3c), for the previous year,
the municipality or county has an aids deficiency. The amount of the aids deficiency
is the amount by which 95% of the combined payments to the municipality or county
under this section and s. 79.03, excluding payments under s. 79.03 (3c), in the
previous year exceeds the payments to the municipality or county under s. 79.03,
excluding payments under s. 79.03 (3c), in the current year.
(c) A municipality or county that has an aids deficiency shall receive a payment from the amounts withheld under sub. (2) equal to its proportion of all the aids deficiencies of municipalities or counties respectively for that year.

SECTION 2287. 79.06 (2) of the statutes is amended to read:

79.06 (2) Maximum payments. (b) If the payments to a municipality or county, except any county in which there are no cities or villages, in any year exceed its combined payments under this section and s. 79.03, excluding payments under s. 79.03 (3c), in the previous year by more than the maximum allowable increase, the excess shall be withheld to fund minimum payments in that year under sub. (1) (c).

(c) In this subsection, “maximum allowable increase” in any year means a percentage such that the sum for all municipalities or counties respectively in that year of the excess of payments under ss. 79.02 and 79.03, excluding payments under s. 79.03 (3c), over the payments as limited by the maximum allowable increase is equal to the sum of the aids deficiencies under sub. (1) in that year.

SECTION 2288. 79.065 of the statutes is created to read:

79.065 Municipal growth sharing. (1) Definitions. In this section:

(a) “Aidable expenditures” means a municipality’s expenditures for general government operations; law enforcement, fire protection, ambulance services, and other public safety services; and health and human services. “Aidable expenditures” does not include a municipality’s expenditures for highway maintenance, administration, or construction; road-related facilities or other transportation; solid waste collection and disposal or other sanitation; culture; education; parks and recreation; conservation; or development.

(b) “Entitlement” means the product of aidable expenditures and tax base weight.
(c) “Full valuation” means the full value of all taxable property of a municipality for the preceding year as equalized for state tax purposes, including the value increments under s. 66.1105, the environmental remediation value increments under s. 66.1106 for municipalities that create the environmental remediation tax incremental district, and the value of real estate assessed under s. 70.995, but excluding the full value of property that is exempt under s. 70.11 (39) as determined under s. 79.095 (3).

(d) “Growth-sharing region” means “growth-sharing region” as defined by rule, no later than September 1, 2001, by the department of revenue so that this state is divided into at least 7 but not more than 25 growth-sharing regions.

(e) “Sales tax” means the tax imposed under ss. 77.52 and 77.53.

(f) “Standardized valuation” means the product of the standardized valuation per person times the population of a municipality in the preceding year.

(g) “Standardized valuation per person” is that number that when used in the computation under sub. (2) most nearly approximates the sum of entitlements for all municipalities to the funds distributable under sub. (2).

(h) “Tax base weight” means one minus the decimal obtained by dividing the full valuation by the standardized valuation, except that “tax base weight” shall be a decimal of at least 0.0.

(2) AIDABLE EXPENDITURES ENTITLEMENTS. (a) Beginning in 2002, the amount in the municipal services aid account for municipalities, less the payments under s. 79.04 (1) and (4) (a), shall be allocated to each municipality in proportion to its entitlement.

(b) Annually, the department of revenue shall determine the amount of each municipality’s aidable expenditures. For purposes of calculating a municipality’s
entitlement, the amount of a municipality’s aidable expenditures in a year is the lesser of the following:

1. The amount of the municipality’s aidable expenditures in the year prior to the year in which the municipality receives the statement under s. 79.015.

2. The average of the amount of the municipality’s aidable expenditures in 1998, 1999, and 2000, increased by the cumulative percentage under s. 79.05 (2) (c) by which the municipality could have increased its budget and still be eligible for a payment under s. 79.05, regardless of whether the municipality was eligible for a payment under s. 79.05. The cumulative percentage shall be calculated from 1999 to the year prior to the year of the statement under s. 79.015.

(3) GROWTH-SHARING REGIONS ENTITLEMENT. (a) Except for payments made in 2002, a municipality in a growth-sharing region shall receive a payment under par. (b) if the following applies:

1. The municipality limits the growth in its municipal budget to the increase specified under s. 79.05 (2) (c) for the year of the statement under s. 79.015.

2. The municipality enters into an area cooperation compact under sub. (4) for the year of the statement under s. 79.015.

(b) In 2002, a municipality in a growth-sharing region, and in 2003 and subsequent years, a municipality in a growth-sharing region that fulfills the requirements under par. (a), shall receive a payment that is equal to the total amount allocated to the growth-sharing region, as determined under par. (c), multiplied by a fraction the numerator of which is the municipality’s current population in the growth-sharing region, and the denominator of which is the current population in the growth-sharing region of all the municipalities that are eligible for payments under this subsection that are located in the growth-sharing region.
(c) The total amount allocated to a growth-sharing region shall be equal to the total amount to be distributed under s. 20.835 (1) (dd) multiplied by a fraction the numerator of which is the amount of sales tax collected in the growth-sharing region, as determined by the department of revenue, in the fiscal year prior to the fiscal year in which any municipality receives the statement under s. 79.015, and the denominator of which is the total amount of sales tax collected in this state, as determined by the department of revenue, in the fiscal year prior to the fiscal year in which any municipality receives the statement under s. 79.015.

(4) AREA COOPERATION COMPACTS. (a) 1. Except as provided in subd. 3., beginning in 2003 and ending in 2005, to receive payments under sub. (3), a municipality shall enter into an area cooperation compact with at least 2 municipalities or counties, or with any combination of at least 2 such entities, to perform at least 2 of the functions listed in par. (b).

2. Except as provided in subd. 3., beginning in 2006 and in each subsequent year, to receive payments under sub. (3), a municipality shall enter into an area cooperation compact with at least 4 municipalities or counties, or with any combination of at least 4 such entities, to provide law enforcement and to perform at least 5 of the other functions listed in par. (b).

3. A municipality that is not adjacent to at least 2 other municipalities may enter into a cooperation compact with any adjacent municipality or with the county in which the municipality is located to perform the number and type of functions as specified under subs. 1. or 2., as applicable to the year of the payment.

(b) An area cooperation compact may involve the following functions:

2. Housing.

3. Emergency services.
4. Fire protection.
5. Solid waste collection and disposal.
7. Public health.
8. Animal control.
10. Transportation.
12. Land use planning.
15. Parks and recreation.
17. Purchasing.

(c) An area cooperation compact shall provide a plan for any municipalities or counties that enter into the compact to collaborate to provide any functions under par. (b), as selected under par. (a). The compact shall provide benchmarks to measure the plan’s progress and provide outcome-based performance measures to evaluate the plan’s success. Municipalities and counties that enter into the compact shall structure the compact in a way that results in significant tax savings to taxpayers within those municipalities and counties.

(d) Annually, beginning in 2002, to receive a payment under sub. (3), a municipality shall certify to the department of revenue, in a manner prescribed by the department, by May 1 of the year of the statement under s. 79.015, that the
municipality complied with pars. (a) to (c) for the year of the statement under s. 79.015.

(e) Annually, beginning in 2004, the legislative audit bureau shall prepare a report on the performance of area cooperation compacts and shall submit copies of the report to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3) by June 30.

(5) Minimum payments. (a) In 2002, if the combined payments to a municipality under subs. (2) and (3) are less than 95% of the combined payments to the municipality under s. 79.06, 1999 stats., and s. 79.03 (3), 1999 stats., excluding payments under s. 79.03 (3c), 1999 stats., for 2001, the municipality has an aids deficiency. The amount of the aids deficiency is the amount by which 95% of the amount of the combined payments to the municipality under s. 79.06, 1999 stats., and s. 79.03 (3), 1999 stats., excluding payments under s. 79.03 (3c), 1999 stats., for 2001 exceeds the payments to the municipality under subs. (2) and (3) in 2002. A municipality that has an aids deficiency under this paragraph shall receive a payment from the amounts withheld under sub. (6) (a) that is equal to its proportion of all the aids deficiencies of municipalities under this paragraph in 2002.

(b) Except as provided in par. (c), in 2003 and subsequent years, if the combined payments to a municipality under subs. (2) and (3) are less than 95% of the combined payments to the municipality under this subsection and subs. (2), (3), and (6) for the previous year, the municipality has an aids deficiency. The amount of the aids deficiency is the amount by which 95% of the amount of the combined payments to the municipality under this subsection and subs. (2), (3), and (6) in the previous year exceeds the combined payments to the municipality under subs. (2) and (3) in the current year. A municipality that has an aids deficiency under this paragraph shall
receive a payment from the amounts withheld under sub. (6) (b) that is equal to its
proportion of all the aids deficiencies of municipalities under this paragraph for the
current year.

(c) In 2003 and subsequent years, if a municipality receives a payment under
sub. (3) in the year following the year of the statement under s. 79.015 but did not
receive a payment in the year of the statement, or if a municipality does not receive
a payment under sub. (3) in the year following the year of the statement under s.
79.015 but received a payment in the year of the statement, the payment under sub.
(3) shall be excluded from the calculation for determining the minimum payment
under par. (b).

(6) MAXIMUM PAYMENTS. (a) In 2002, if the combined payments to a municipality
under subs. (2) and (3) exceed combined payments to the municipality under s. 79.06,
1999 stats., and s. 79.03 (3), 1999 stats., excluding payments under s. 79.03 (3c), 1999
stats., for 2001 by more than the maximum allowable increase, the excess shall be
withheld to fund minimum payments in 2002 under sub. (5) (a). In this paragraph,
“maximum allowable increase” means a percentage such that the sum for all
municipalities of the excess of payments in 2002 under subs. (2) and (3) over the
payment as limited by the maximum allowable increase is equal to the sum of the
aids deficiencies under sub. (5) (a) in 2002.

(b) In 2003 and subsequent years, if the combined payments to a municipality
under subs. (2) and (3) exceed the combined payments to the municipality under this
subsection and subs. (2), (3), and (5) for the previous year by more than the maximum
allowable increase, the excess shall be withheld to fund minimum payments in the
current year under sub. (5) (b). In this paragraph, “maximum allowable increase”
in any year means a percentage such that the sum for all municipalities of the excess
of payments in that year under subs. (2) and (3) over the payment as limited by the
maximum allowable increase is equal to the sum of the aids deficiencies under sub.
(5) (b) in that year.

(c) In 2003 and subsequent years, if a municipality receives a payment under
sub. (3) in the year following the year of the statement under s. 79.015 but did not
receive a payment in the year of the statement, or if a municipality does not receive
a payment under sub. (3) in the year following the year of the statement under s.
79.015 but received a payment in the year of the statement, the payment under sub.
(3) shall be excluded from the calculation for determining the maximum payment
under par. (b).

SECTION 2289. 79.085 of the statutes is created to read:

79.085  Use of county payments. A county shall use the payments that it
receives under ss. 79.03, 79.04, 79.058, and 79.06 to pay the following expenses in
the following sequence:

(1) The expenses that are not otherwise funded by state or federal aid or by any
designated revenue source and that are for probation and parole holds in county jails,
for circuit courts under s. 753.19, and for which community youth and family aids are
paid under s. 301.26.

(2) The costs for which the county would otherwise levy a property tax, as
reflected under s. 74.09 (3) (b) 1.

SECTION 2290. 79.095 (1) (c) of the statutes is amended to read:

79.095 (1) (c) “Taxing jurisdiction” means a municipality, county, school
district, special purpose district, tax incremental district, environmental
remediation tax incremental district, or technical college district.

SECTION 2291. 79.095 (2) (b) of the statutes is amended to read:
79.095 (2) (b) On or before December 31, the tax rate used for each tax incremental district for which the municipality assesses property and for each environmental remediation tax incremental district for which the municipality assesses property.

Section 2292. 79.10 (6m) of the statutes is renumbered 79.10 (6m) (a) and amended to read:

79.10 (6m) (a) If Except as provided in pars. (b) and (c), if the department of administration or the department of revenue determines by October 1 of the year of any distribution under subs. (4) and (5) that there was an overpayment or underpayment made in that year’s distribution by the department of administration to municipalities, as determined under subs. (4) and (5), because of an error by the department of administration, the department of revenue or any municipality, the overpayment or underpayment shall be corrected as provided in this subsection paragraph. Any overpayment shall be corrected by reducing the subsequent year’s distribution, as determined under subs. (4) and (5), by an amount equal to the amount of the overpayment. Any underpayment shall be corrected by increasing the subsequent year’s distribution, as determined under subs. (4) and (5), by an amount equal to the amount of the underpayment. Corrections shall be made in the distributions to all municipalities affected by the error. Corrections shall be without interest.

Section 2293. 79.10 (6m) (b) of the statutes is created to read:

79.10 (6m) (b) If, after March 1 of the year of any distribution under sub. (5), a municipality discovers an error in the notice that the municipality furnished under sub. (1m) that resulted in an overpayment of that year’s distribution to the municipality, as determined under sub. (5), the municipality shall correct the error
and notify the department of revenue of the correction on a form that the department
prescribes. If, after March 1 of the year of any distribution under sub. (5), the
department of administration or the department of revenue discovers an error in the
notice that the municipality furnished under sub. (1m) that resulted in an
overpayment of that year’s distribution to the municipality, as determined under
sub. (5), the department of administration or the department of revenue shall notify
the municipality and the municipality shall correct the error. The municipality may
pay the amount of the overpayment to the department of revenue and, if the
municipality chooses to make such a payment, shall submit the payment with the
form prescribed under this paragraph. If the municipality does not pay the amount
of the overpayment, the department of administration may collect the amount of the
overpayment as a special charge to the municipality or may correct the overpayment
as provided under par. (a). Payments under this paragraph shall be without interest
and shall be deposited in the lottery fund.

SECTION 2294. 79.10 (6m) (c) of the statutes is created to read:

79.10 (6m) (c) If, after March 1 of the year of any distribution under sub. (5),
a municipality discovers an error in the notice that the municipality furnished under
sub. (1m) that resulted in an underpayment of that year’s distribution to the
municipality, as determined under sub. (5), the municipality shall correct the error
and notify the department of revenue on a form that the department prescribes. If,
after March 1 of the year of any distribution under sub. (5), the department of
administration or the department of revenue discovers an error in the notice that the
municipality furnished under sub. (1m) that resulted in an underpayment of that
year’s distribution to the municipality, as determined under sub. (5), the department
of administration or the department of revenue shall notify the municipality and the
municipality shall correct the error. The department of revenue may either pay the
amount of the underpayment to the municipality, from the appropriation under s.
20.835 (3) (q), or correct the underpayment as provided under par. (a). Payments
under this paragraph shall be without interest.

SECTION 2295. 84.01 (31) of the statutes is created to read:

84.01 (31) ACCOMMODATION OF UTILITY FACILITIES WITHIN HIGHWAY RIGHTS−OF−WAY.

Notwithstanding ss. 84.06 (4), 84.063, 84.065, and 84.093, the department may, upon
finding that it is feasible and advantageous to the state, negotiate and enter into an
agreement to accept any plant or equipment used for the conveyance, by wire, optics,
radio signal, or other means, of voice, data, or other information at any frequency
over any part of the electromagnetic spectrum, or to accept any services associated
with the collection, storage, forwarding, switching, and delivery incidental to such
communication, as payment for the accommodation of a utility facility, as defined in
s. 84.063 (1) (b), within a highway right−of−way. Any agreement under this
subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but
ss. 16.528, 16.752, and 16.754 apply to such agreement.

SECTION 2296. 84.01 (32) of the statutes is created to read:

84.01 (32) CONFIDENTIALITY OF BIDDER INFORMATION. (a) The department may
not disclose to any person any information requested by the department for the
purpose of complying with 49 CFR 26, as that section existed on October 1, 1999, that
relates to an individual's statement of net worth, a statement of experience, or a
company's financial statement, including the gross receipts of a bidder.

(b) This subsection does not prohibit the department from disclosing
information to any of the following persons:

1. The person to whom the information relates.
2. Any person who has the written consent of the person to whom the
information relates to receive such information.
3. Any person to whom 49 CFR 26, as that section existed on October 1, 1999,
requires or specifically authorizes the department to disclose such information.

SECTION 2297. 84.013 (2) (a) of the statutes is amended to read:

84.013 (2) (a) Subject to ss. 84.59 (1) and 86.255, major highway projects shall
be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (4) (jq) and
20.866 (2) (ur) to (uu).

SECTION 2298. 84.013 (2) (b) of the statutes is amended to read:

84.013 (2) (b) Subject Except as provided in ss. 84.014 and 84.03 (3) and subject
to s. 86.255, reconditioning, reconstruction and resurfacing of highways shall be
funded from the appropriations under s. 20.395 (3) (cq) to (cx).

SECTION 2299. 84.013 (3) (a), (b), (c), (d), (e), (em), (f), (g), (h), (i), (j), (k), (L), (m),
(n), (o), (p), (q), (r), (s), (tj), (u), (v), (vc), (vg), (vL), (vp), (vt), (vx), (w), (wr), (x), (xf),
(xo), (xs), (xw), (xy), (y), (yb), (yf), (yk), (yo), (ys), (yw), (yy) and (z) of the statutes are
repealed.

SECTION 2300. 84.013 (3) (pe) of the statutes is created to read:

84.013 (3) (pe) STH 17 extending approximately 3.25 miles from the
intersection of STH 17 and Birchwood Drive to USH 8 approximately 0.16 miles east
of Germond Road, designated as the Rhinelander relocation, in Oneida County.

SECTION 2301. 84.013 (3) (pm) of the statutes is created to read:

84.013 (3) (pm) STH 26 extending approximately 48 miles between I 90 in
Janesville and STH 60 north of Watertown in Rock, Jefferson, and Dodge counties.

SECTION 2302. 84.013 (3) (ps) of the statutes is created to read:
84.013 (3) (ps) I 39/USH 51 extending approximately 8 miles from south of Fox Glove Road to north of Bridge Street, designated as the Wausau beltline, in Marathon County.

**SECTION 2303.** 84.014 of the statutes is created to read:

84.014 *Marquette interchange reconstruction project.* Notwithstanding s. 84.013 and subject to s. 86.225, reconstruction of the interchange at the junction of I 94, I 43, and I 794, known as the Marquette interchange, in Milwaukee County shall be funded from appropriations under s. 20.395 (3) (ck) to (cy) and (4) (jr).

**SECTION 2304.** 84.016 of the statutes is created to read:

84.016 *Intelligent transportation systems.* (1) In this section, “intelligent transportation system” means a specialized computer or other technical system, including roadway detector loops, closed circuit television, variable message signs, ramp meters, or an integrated traffic signal system, that is used for the purposes of traffic flow measurement and management, congestion avoidance, incident management, travel time information, or other similar purposes.

(2) The department may fund the installation, maintenance, and replacement of intelligent transportation systems.

**SECTION 2305.** 84.02 (8) (d) of the statutes is repealed.

**SECTION 2306.** 84.03 (3) of the statutes is created to read:

84.03 (3) *West Canal Street reconstruction project.* (a) Subject to par. (b), from federal interstate cost estimate funds received by the state, the department shall award a grant of not more than $5,000,000 from the appropriation under s. 20.395 (3) (cy) to the city of Milwaukee for reconstruction of West Canal Street in the city of Milwaukee to serve as a transportation corridor for the purpose of mitigating traffic associated with the reconstruction of the Marquette interchange.
(b) No grant may be awarded under par. (a) unless all of the following occur:

1. The city of Milwaukee makes a matching contribution of federal interstate cost estimate funds received by the city equal to the amount of the grant awarded under par. (a) to be used for the West Canal Street reconstruction project.

2. Notwithstanding subd. 1., the city of Milwaukee contributes $10,000,000 toward the West Canal Street reconstruction project.

3. The federal department of transportation approves the use of federal interstate cost estimate funds under subd. 1. and par. (a) for the project.

(c) Notwithstanding pars. (a) and (b), the department shall award grants totaling $5,000,000 from the appropriation under s. 20.395 (3) (ck) to the city of Milwaukee for reconstruction of West Canal Street in the city of Milwaukee if the city of Milwaukee makes the contribution of $10,000,000 specified in par. (b) 2.

(d) This subsection does not apply after December 31, 2005.

SECTION 2307. 84.03 (4) of the statutes is created to read:

84.03 (4) PARK EAST FREEWAY CORRIDOR COST SHARING. (a) The maximum state share of costs for the project for the demolition of the Park East Freeway corridor in Milwaukee County, as provided in an agreement entered into on April 20, 1999, between the city of Milwaukee, Milwaukee County, and the state, shall be $8,000,000, of which $6,800,000 shall be federal interstate cost estimate funds received by the state.

(b) The local share of costs of the project described in par. (a) shall be not less than the amount of $17,000,000 provided for in the agreement specified under par. (a), of which $14,500,000 shall be federal interstate cost estimate funds received by the city or county.

SECTION 2308. 84.185 (title) of the statutes is amended to read:
Transportation Tommy G. Thompson transportation facilities economic assistance and development program.

SECTION 2309. 84.59 (1) of the statutes is amended to read:

84.59 (1) Transportation facilities under s. 84.01 (28) and major highway projects as defined under s. 84.013 (1) (a) for the purposes under ss. 84.06 and 84.09, and the Marquette interchange reconstruction project under s. 84.014 for the purposes under ss. 84.06 and 84.09 may be funded with the proceeds of revenue obligations issued subject to and in accordance with subch. II of ch. 18, except that funding for major highway projects with such proceeds may not exceed 53% of the total funds expended in each fiscal year, beginning with fiscal year 2002−03, for major highway projects.

SECTION 2310. 84.59 (6) of the statutes is amended to read:

84.59 (6) The building commission may contract revenue obligations when it reasonably appears to the building commission that all obligations incurred under this section can be fully paid from moneys received or anticipated and pledged to be received on a timely basis. Except as provided in this subsection, the principal amount of revenue obligations issued under this section may not exceed $1,447,085,500 and may not exceed $1,743,570,900 to be used for transportation facilities under s. 84.01 (28) and major highway projects for the purposes under ss. 84.06 and 84.09 and may not exceed $6,996,600 to be used for the Marquette interchange reconstruction project under s. 84.014 for the purposes under ss. 84.06 and 84.09.

In addition to the foregoing limits, in the aggregate, on principal amount, the building commission may contract revenue obligations under this section as the building commission determines is desirable to refund outstanding revenue obligations.
obligations contracted under this section and to pay expenses associated with
revenue obligations contracted under this section.

SECTION 2311. 85.037 of the statutes is repealed.

SECTION 2312. 85.107 (title) of the statutes is amended to read:

85.107 (title) Minority civil engineer scholarship Scholarship and loan
repayment incentive grant program.

SECTION 2313. 85.107 (1) of the statutes is amended to read:

85.107 (1) PURPOSE. The minority civil engineer scholarship and loan
repayment incentive grant program is created to assist in improving the
representation of minorities among employees of targeted group members within job
classifications in which targeted group members are underutilized in the
department who are classified as civil engineers.

SECTION 2314. 85.107 (2) of the statutes is repealed.

SECTION 2315. 85.107 (2m) (intro.) of the statutes is created to read:

85.107 (2m) DEFINITIONS. (intro.) In this section:

SECTION 2316. 85.107 (2m) (am) of the statutes is created to read:

85.107 (2m) (am) “Person with a disability” means any person who has a
physical or mental disability that constitutes or results in a substantial barrier to
employment.

SECTION 2317. 85.107 (2m) (b) of the statutes is created to read:

85.107 (2m) (b) “Targeted group member” means a person with disabilities, or
a person who belongs to a class of race, color, or sex, whose percent of the workforce
within any job classification in the department is less than that class’s percent of the
statewide labor market for such job activities.

SECTION 2318. 85.107 (3) (a) (intro.) of the statutes is amended to read:
85.107 (3) (a) (intro.) Award scholarships to **resident minority students** targeted group members who are enrolled fulltime and registered as sophomores, juniors or seniors in a **civil engineering bachelor of science degree** program offered by an accredited institution of higher education in this state. Scholarships under this paragraph shall not exceed the following amounts:

**SECTION 2319.** 85.107 (3) (am) of the statutes is created to read:

85.107 (3) (am) Award scholarships of not more than $2,000 each to any targeted group member who is registered in his or her 2nd year of full-time enrollment in an associate degree program, as defined in s. 38.01 (1), or vocational diploma program, as defined in s. 38.01 (11), at a technical college in this state.

**SECTION 2320.** 85.107 (3) (b) 1. (intro.) of the statutes is amended to read:

85.107 (3) (b) 1. (intro.) Make loan repayment grants to **minority civil engineers targeted group members** who are employed by the department and have education loans outstanding. Subject to subd. 2., loan repayment grants under this subdivision shall not exceed the following amounts:

**SECTION 2321.** 85.12 (3) of the statutes is amended to read:

85.12 (3) The department may contract with any local governmental unit, as defined in s. 16.97 or 22.01 (7), to provide that local governmental unit with services under this section.

**SECTION 2322.** 85.20 (4m) (a) (intro.) of the statutes is amended to read:

85.20 (4m) (a) (intro.) The department shall pay annually to the eligible applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The department shall pay annually to the eligible applicant described in subd. 6. d. the amount of aid specified in subd. 6. d. The department shall allocate an amount to each eligible applicant described in subd. 7. or 8. to ensure that the sum of state and
federal aids for the projected operating expenses of each eligible applicant’s urban mass transit system is equal to a uniform percentage, established by the department, of the projected operating expenses of the mass transit system for the calendar year. For calendar year 1999, the operating expenses used to establish the uniform percentage shall be the projected operating expenses of an urban mass transit system. Subject to sub. (4r), for calendar year 2000 and thereafter the operating expenses used to establish the uniform percentage shall be the operating expenses incurred during the 2nd calendar year preceding the calendar year for which aid is paid under this section. The department shall make allocations as follows:

**Section 2323.** 85.20 (4m) (a) 6. a. and b. of the statutes are repealed.

**Section 2324.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

85.20 (4m) (a) 6. cm. Beginning with aid payable for calendar year 2000 and for each calendar year thereafter, from the appropriation under s. 20.395 (1) (ht), the department shall pay $53,555,600 to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses in excess of $80,000,000. If the eligible applicant that receives aid under this subd. 6. cm. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

**Section 2325.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

85.20 (4m) (a) 6. d. Beginning with aid payable for calendar year 2000 and for each calendar year thereafter, from the appropriation under s. 20.395 (1) (hu), the department shall pay $14,297,600 to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses in excess of $20,000,000 but less than $80,000,000.
If the eligible applicant that receives aid under this subd. 6. d. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

**SECTION 2326.** 85.20 (4m) (a) 7. of the statutes is amended to read:

85.20 (4m) (a) 7. a. From the appropriation under s. 20.395 (1) (hr), the uniform percentage for each eligible applicant served by an urban mass transit system operating within an urbanized area having a population as shown in the 1990 federal decennial census of at least 50,000 or receiving federal mass transit aid for such area, and not specified in subd. 6.

b. For the purpose of making allocations under subd. 7. a., the amounts for aids are $18,422,500 in calendar year 1999 and $19,804,200 in calendar year 2000 and $20,299,300 in calendar year 2001 and in each calendar year thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

**SECTION 2327.** 85.20 (4m) (a) 8. of the statutes is amended to read:

85.20 (4m) (a) 8. a. From the appropriation under s. 20.395 (1) (hs), the uniform percentage for each eligible applicant served by an urban mass transit system operating within an area having a population as shown in the 1990 federal decennial census of less than 50,000 or receiving federal mass transit aid for such area.

b. For the purpose of making allocations under subd. 8. a., the amounts for aids are $4,975,900 in calendar year 1999 and $5,349,100 in calendar year 2000 and $5,482,800 in calendar year 2001 and in each calendar year thereafter. These
amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 2328. 85.20 (4m) (b) 1. of the statutes is amended to read:

85.20 (4m) (b) 1. Except as provided in subd. 2., each eligible applicant shall provide a local contribution, exclusive of user fees, toward operating expenses in an amount equal to at least 20% of state aid allocations to that eligible applicant under this section par. (a).

SECTION 2329. 85.20 (4p) of the statutes is created to read:

85.20 (4p) SUPPLEMENTAL MASS TRANSIT AIDS. (a) From the appropriation under s. 20.395 (1) (jq), the department shall make supplemental payments of mass transit aid in calendar year 2003 and in each calendar year thereafter to each eligible applicant specified in sub. (4m) (a) 6. cm. or d. for whom the percentage increase in the average cost per one-way passenger trip taken on the eligible applicant’s urban mass transit system in the preceding calendar year did not exceed the percentage increase in the U.S. consumer price index reported for the 12-month period ending on December 31 of that calendar year. If all eligible applicants under this paragraph are eligible to receive payments in a calendar year, the department shall distribute funds in proportion to the number of one-way passenger trips taken on each eligible applicant’s urban mass transit system during the preceding calendar year.

(b) From the appropriation under s. 20.395 (1) (jr), the department shall make supplemental payments of mass transit aid in calendar year 2003 and in each calendar year thereafter to each eligible applicant specified in sub. (4m) (a) 7. for whom the percentage increase in the average cost per one-way passenger trip taken on the eligible applicant’s urban mass transit system in the preceding calendar year did not exceed the percentage increase in the U.S. consumer price index reported for
the 12-month period ending on December 31 of that calendar year. If 2 or more eligible applicants under this paragraph are eligible to receive payments in a calendar year, the department shall distribute funds in proportion to the number of one-way passenger trips taken on each eligible applicant’s urban mass transit system during the preceding calendar year. This paragraph does not apply to an eligible applicant that is served exclusively by a shared-ride taxicab system.

(c) From the appropriation under s. 20.395 (1) (js), the department shall make supplemental payments of mass transit aid in calendar year 2003 and in each calendar year thereafter to each eligible applicant specified in sub. (4m) (a) 8. for whom the percentage increase in the average cost per one-way passenger trip taken on the eligible applicant’s urban mass transit system in the preceding calendar year did not exceed the percentage increase in the U.S. consumer price index reported for the 12-month period ending on December 31 of that calendar year. If 2 or more eligible applicants under this paragraph are eligible to receive payments in a calendar year, the department shall distribute funds in proportion to the number of one-way passenger trips taken on each eligible applicant’s urban mass transit system during the preceding calendar year. This paragraph does not apply to an eligible applicant that is served exclusively by a shared-ride taxicab system.

(d) From the appropriation under s. 20.395 (1) (jt), the department shall make supplemental payments of mass transit aid in calendar year 2003 and in each calendar year thereafter to each eligible applicant that is served exclusively by a shared-ride taxicab system for whom the percentage increase in the average cost per one-way passenger trip taken on the eligible applicant’s shared-ride taxicab system in the preceding calendar year did not exceed the percentage increase in the U.S. consumer price index reported for the 12-month period ending on December 31 of
that calendar year. If all eligible applicants under this paragraph are eligible to
receive payments in a calendar year, the department shall distribute funds in
proportion to the number of one-way passenger trips taken on each eligible
applicant’s shared-ride taxicab system during the preceding calendar year.

(e) For purposes of this subsection, the department shall determine the average
cost per one-way passenger trip for an eligible applicant by dividing the total
operating expenses of the eligible applicant’s urban mass transit system for a
calendar year by the total number of one-way passenger trips taken on the urban
mass transit system during that calendar year. The department may use reasonable
estimates of operating expenses or one-way passenger trips for new or expanded
services if actual operating expenses or number of one-way passenger trips of the
new or expanded services are not known.

(f) Supplemental payments of mass transit aid under this subsection are in
addition to any state aid allocation under sub. (4m) (a).

(g) The department shall promulgate rules to implement and administer the
payment of mass transit aids under this subsection. The rules shall include a
definition of “one-way passenger trip” for purposes of this subsection.

SECTION 2330. 85.20 (4r) of the statutes is amended to read:

85.20 (4r) EXPANSION OF SERVICE. An eligible applicant shall notify the
department if the eligible applicant anticipates receiving new or expanded services
provided by an urban mass transit system in a manner that will increase operating
expenditures. The eligible applicant shall provide the notice during the calendar year
preceding the calendar year in which the new or expanded services will first be
provided. The notice shall include an estimate of the projected annual operating
expenses of the new or expanded services. The department may modify the projected
annual operating expenses to an amount that the department considers reasonable. The department shall adjust the projected annual operating expenses for inflation and, for each calendar year for which actual operating costs of the new or expanded services are not known, shall add the adjusted projected annual operating expenses to the operating expenses used to determine the uniform percentage under sub. (4m) (a) (intro.).

SECTION 2331. 85.24 (title) of the statutes is repealed and recreated to read:

85.24 (title) Transportation employment and mobility program.

SECTION 2332. 85.24 (1) of the statutes is amended to read:

85.24 (1) PURPOSE. The purpose of this section is to promote the conservation of energy, reduce traffic congestion, improve air quality and enhance the efficient use of existing transportation systems, and enhance the success of welfare-to-work programs by providing efficient and effective transportation services that link low-income workers with jobs, training centers, and child care facilities, by planning and promoting demand management and ride-sharing programs, and by providing technical and financial assistance to public and private organizations for job access and employment transportation assistance programs and for the development and implementation of demand management and ride-sharing programs.

SECTION 2333. 85.24 (2) (ag) of the statutes is created to read:

85.24 (2) (ag) “Job access and employment transportation assistance” means policies and programs that are directed at resolving the transportation needs of low-income workers and recipients of public assistance with respect to transportation to-and-from jobs, including welfare-to-work programs, and activities related to their employment.

SECTION 2334. 85.24 (2) (br) of the statutes is created to read:
85.24 (2) (br) “Transportation employment and mobility” means policies and programs that encompass demand management, ride sharing, and job access and employment transportation assistance.

**SECTION 2335.** 85.24 (3) (a) of the statutes is amended to read:

85.24 (3) (a) The department of transportation shall be the lead state agency in demand management and ride-sharing activities and shall collaborate with the department of workforce development in job access and employment transportation assistance programs. The department of transportation shall have all powers necessary to develop and implement a state demand management and ride-sharing assistance program which shall include transportation employment and mobility program that includes the coordination of demand management and ride-sharing, and job access and employment transportation assistance activities in this state, the promotion and marketing of demand management and ride-sharing, and job access and employment transportation assistance activities, the dissemination of technical information, the provision of technical and financial assistance to public and private organizations for the planning, development, and implementation of demand management and ride-sharing, and job access and employment transportation assistance programs, and the development and distribution of computer and manual ride-matching systems.

**SECTION 2336.** 85.24 (3) (c) of the statutes is amended to read:

85.24 (3) (c) The department may administer a program for the distribution of any federal funds for ride sharing and demand management, and job access and employment transportation assistance that are made available to the state.

**SECTION 2337.** 85.24 (3) (d) (intro.) of the statutes is amended to read:
85.24 (3) (d) (intro.) The department may award grants from the appropriation under s. 20.395 (1) (bs) to public and private organizations for the development and implementation of demand management and ride-sharing, and job access and employment transportation assistance programs. As a condition of obtaining a grant under this paragraph, a public or private organization may be required to provide matching funds at any percentage. The department shall give priority in the awarding of grants to those programs that provide the greatest reduction in automobile trips, especially during peak hours of traffic congestion. The department shall have all powers necessary and convenient to implement this paragraph, including the following powers:

**SECTION 2338.** 85.51 (title) of the statutes is amended to read:

85.51 (title) **State traffic patrol services; special events fee.**

**SECTION 2339.** 85.51 of the statutes is renumbered 85.51 (1) and amended to read:

85.51 (1) **Special events fee.** The department may charge an event sponsor, as defined by rule, a fee, in an amount calculated under a uniform method established by rule, for security and traffic enforcement services provided by the state traffic patrol at any public event for which an admission fee is charged for spectators if the event is organized by a private organization. The department may not impose a fee for such services except as provided in this section subsection.

(3) **Use of fees.** All moneys received under this subsection section shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (5) (dg).

**SECTION 2340.** 85.51 (2) of the statutes is created to read:
85.51 (2) Security and traffic enforcement services fee. The department may charge any person a fee, in an amount calculated under a uniform method established by rule, for security and traffic enforcement services provided by the state traffic patrol during that person’s installation, inspection, removal, relocation, or repair of a utility facility, as defined in s. 30.40 (19), located on a highway, as defined in s. 340.01 (22), if that person requests such services in writing.

SECTION 2341. 86.30 (2) (a) 3. (intro.) of the statutes is renumbered 86.30 (2) (a) 3. and amended to read:

86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a municipality as determined under s. 86.302, the mileage aid payment shall be an amount equal to the following: $1,747 in calendar year 2001 and $1,790 in calendar year 2002 and thereafter.

SECTION 2342. 86.30 (2) (a) 3. g. of the statutes is repealed.

SECTION 2343. 86.30 (2) (a) 3. h. of the statutes is repealed.

SECTION 2344. 86.30 (9) (b) of the statutes is amended to read:

86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to counties are $78,744,300 in calendar years 1998 and 1999, and $84,059,500 in calendar year 2000 and 2001, $88,598,700 in calendar year 2002, and $89,239,300 in calendar year 2003 and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide county average cost-sharing percentage in the particular calendar year.

SECTION 2345. 86.30 (9) (c) of the statutes is amended to read:

86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to municipalities are $247,739,100 in calendar years 1998 and 1999, and $264,461,500 in calendar year 2000 and 2001, $277,684,500 in
calendar year 2002, and $277,907,200 in calendar year 2003 and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide municipal average cost-sharing percentage in the particular calendar year.

SECTION 2346. 86.31 (2) (a) of the statutes is amended to read:

86.31 (2) (a) The department shall administer a local roads improvement program to accelerate the improvement of seriously deteriorating local roads by reimbursing political subdivisions for improvements. The selection of improvements that may be funded under the program shall be performed by officials of each political subdivision, consistent with the requirements of subs. (3), (3g), (3m) and (3r) to (3t). The department shall notify each county highway commissioner of any deadline that affects eligibility for reimbursement under the program no later than 15 days before such deadline.

SECTION 2347. 86.31 (3) (b) (intro.) of the statutes is amended to read:

86.31 (3) (b) (intro.) From the appropriation under s. 20.395 (2) (fr), after first deducting the funds allocated under subs. (3g), (3m) and (3r) to (3t), the department shall allocate funds for entitlement as follows:

SECTION 2348. 86.31 (3t) of the statutes is created to read:

86.31 (3t) TOWN ROAD AND MUNICIPAL STREET IMPROVEMENTS. From the appropriation under s. 20.395 (2) (fr), the department shall allocate $529,000 in fiscal year 2001–02 and $1,954,200 in fiscal year 2002–03 to fund town road improvements with eligible costs totaling $100,000 or more and to fund municipal street improvement projects having total estimated costs of $250,000 or more. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3) and the allocation of funds under subs. (3m) and (3r).

SECTION 2349. 86.31 (6) (d) of the statutes is amended to read:
86.31 (6) (d) Procedures for reimbursements for county trunk highway improvements under sub. (3g), for town road improvements under sub. subs. (3m) and (3t), and for municipal street improvements under sub. subs. (3r) and (3t).

SECTION 2350. 88.01 (8m) of the statutes is repealed.

SECTION 2351. 88.11 (1) (f) of the statutes is amended to read:

88.11 (1) (f) Assist districts in applying for permits under s. 88.31 chs. 30 and 31.

SECTION 2352. 88.31 (title) of the statutes is amended to read:

88.31 (title) Special procedure in cases affecting Drainage work in navigable waters.

SECTION 2353. 88.31 (1) to (7m) of the statutes are repealed.

SECTION 2354. 88.31 (8) (intro.) of the statutes is amended to read:

88.31 (8) (intro.) Subject to other restrictions imposed by this chapter, a drainage board which has obtained all of the permits as required under this chapter and ch. 30 may:

SECTION 2355. 88.35 (5m) of the statutes is repealed.

SECTION 2356. 88.35 (6) (intro.) of the statutes is amended to read:

88.35 (6) (intro.) Upon the completion of its duties under subs. (1) to (5m) (5), the board shall prepare a written report, including a copy of any maps, plans or profiles that it has prepared. The assessment of benefits and awards of damages shall be set forth in substantially the following form:

SECTION 2357. 88.62 (3) (a) of the statutes is renumbered 88.62 (3) and amended to read:

88.62 (3) If drainage work is undertaken in navigable waters, the drainage board shall obtain a permit under s. 30.20 or 88.31 or ch. 31, as directed by the
SECTION 2357. 88.62 (3) (b) of the statutes is repealed.

SECTION 2358. 88.72 (3) of the statutes is amended to read:

88.72 (3) At the hearing on the petition, any interested person may appear and contest its sufficiency and the necessity for the work. If the drainage board finds that the petition has the proper number of signers and that to afford an adequate outlet it is necessary to remove dams or other obstructions from waters and streams which may be navigable, or to straighten, clean out, deepen, or widen any waters or streams either within or beyond the limits of the district, the board shall obtain any permit that is required under this chapter or ch. 30 or 31.

SECTION 2359. 88.72 (4) of the statutes is amended to read:

88.72 (4) Within 30 days after the department of natural resources has issued all of the permits as required under this chapter and chs. 30 and 31, the board shall proceed to estimate the cost of the work, including the expenses of the proceeding together with the damages that will result from the work, and shall, within a reasonable time, award damages to all lands damaged by the work and assess the cost of the work against the lands in the district in proportion to the assessment of benefits then in force.

SECTION 2360. 91.13 (8) (fm) of the statutes is amended to read:

91.13 (8) (fm) A statement in boldface uppercase type that contains the following language: "UPON RELINQUISHMENT (WITHDRAWAL OR EXPIRATION) OF FROM THIS AGREEMENT, A PAYBACK OF CREDITS WITH INTEREST PAYMENT TO THE STATE MAY BE REQUIRED."

SECTION 2361. 91.17 (1) of the statutes is amended to read:
91.17 (1) Land subject to a farmland preservation agreement may be sold without a lien being filed payment being made under s. 91.19 (7m), subject to the reservation of rights contained in the agreement. The seller shall notify the department of any such transfer. The purchaser shall be liable under any subsequent lien under s. 91.19 only for the amount of tax credits paid on that portion of the land purchased.

**SECTION 2363.** 91.17 (2) of the statutes is amended to read:

91.17 (2) When the owner of land subject to a farmland preservation agreement dies or is certified by a physician to be totally and permanently disabled, the land may be released from the program under this chapter and shall not be subject to a lien payment under s. 91.19 (8) (7m).

**SECTION 2364.** 91.17 (3) of the statutes is repealed.

**SECTION 2365.** 91.19 (2) (intro.) of the statutes is amended to read:

91.19 (2) (intro.) The Subject to sub. (7m), the department may relinquish the farmland preservation agreement or may release part of the land from a farmland preservation agreement prior to the termination date contained in the instrument as follows:

**SECTION 2366.** 91.19 (3) of the statutes is amended to read:

91.19 (3) If the request for relinquishment of the farmland preservation agreement or release of part of the land from the agreement is approved by the local governing body having jurisdiction, a copy of the application, along with the comments and recommendations of the reviewing agencies, shall be forwarded to the board. The board shall, within 60 days, upon consideration of the factors in sub. (2) (b) and (c) 2., approve or reject the application for relinquishment or release. If the board approves the application it shall notify the local governing body having
jurisdiction, the department of agriculture, trade and consumer protection, and the
department of revenue, prepare an instrument under sub. (7) and record it with the
register of deeds of the county in which the land is located.

SECTION 2367. 91.19 (5) of the statutes is amended to read:

91.19 (5) If the application for relinquishment of the agreement or release of
part of the land from the agreement is rejected by the local governing body having
jurisdiction, the application shall be returned to the applicant with a written
statement regarding the reasons for rejection. Within 30 days after receipt of the
rejected application, the applicant may appeal the rejection to the board. The board
shall, within 60 days after the appeal has been received, upon consideration of the
factors listed in sub. (2) (b) and (c) 2., approve or reject the request for relinquishment
or release. If the board approves the application it shall notify the local governing
body having jurisdiction, the department of agriculture, trade and consumer
protection, and the department of revenue, prepare an instrument under sub. (7) and
record it with the register of deeds of the county in which the land is located.

SECTION 2368. 91.19 (6p) of the statutes is repealed.

SECTION 2369. 91.19 (6t) of the statutes is amended to read:

91.19 (6t) The Subject to sub. (7m), the department shall relinquish from a
farmland preservation agreement land that has been subject to a farmland
preservation agreement for at least 10 years if the owner of the land so requests.

SECTION 2370. 91.19 (7) of the statutes is repealed.

SECTION 2371. 91.19 (7m) of the statutes is created to read:

91.19 (7m) (a) Except as provided in par. (b), the department may not
relinquish a farmland preservation agreement under sub. (2) or (6t) or release land
from a farmland preservation agreement under sub. (2) until the owner pays to the
department $50 per acre of land that is no longer covered by the farmland
preservation agreement.
(b) The payment under par. (a) does not apply to land that is zoned for
exclusively agricultural use under an ordinance certified under subch. V.

**SECTION 2372.** 91.19 (8) to (13) of the statutes are repealed.

**SECTION 2373.** 91.21 (1) of the statutes is amended to read:

91.21 (1) If the owner or a successor in title of the land upon which a farmland
preservation agreement has been recorded under this chapter changes the use of the
land to a prohibited use without first acting under ss. 91.17 and 91.19 and the land
is not relinquished under s. 91.19 (6p) or (6t), the owner or successor in title may be
enjoined by the state, acting through the attorney general, or by the local governing
body having jurisdiction, acting through its attorney, and is subject to a civil penalty
for actual damages, but in no case to exceed double the value of the land as
established at the time the application for the agreement was approved.

**SECTION 2374.** 91.23 of the statutes is amended to read:

91.23 **Conversion.** An owner under a farmland preservation agreement may
at any time apply for a transition area agreement, and an owner under a transition
area agreement may at any time apply for a farmland preservation agreement. If
such an application is approved, the prior agreement shall be relinquished without
a lien being filed payment being made under s. 91.19 (7m).

**SECTION 2375.** Subchapter III of chapter 91 [precedes 91.31] of the statutes is
repealed.

**SECTION 2376.** 91.75 (6) of the statutes is amended to read:

91.75 (6) For purposes of farm consolidation and if permitted by local
regulation, farm residences or structures which that existed prior to the adoption of
the ordinance may be separated from a larger farm parcel. Farm residences or structures with up to 5 acres of land which are separated from a larger farm parcel under this section are not subject to the lien under s. 91.19 (8) to (10), as the payment required in s. 91.77 (2) or 91.79.

**SECTION 2377.** 91.77 (2) of the statutes is amended to read:

91.77 (2) Land which is rezoned Rezoning under this section shall be subject to the lien provided under s. 91.19 (8) to (10) for the amount of tax credits paid on the land rezoned conditioned on the payment, to the county, city, village, or town that approves the petition, of $60 per acre of land that is rezoned. A county, city, village, or town that receives payment under this subsection shall pay to the state the amount received. If the rezoning occurs solely as a result of action initiated by a governmental unit, any lien required under s. 91.19 (8) to (10) the payment shall be paid made to the state by the governmental unit initiating the action.

**SECTION 2378.** 91.79 of the statutes is amended to read:

91.79 **Conditional uses; lien payment.** Any land zoned under this subchapter which is granted a special exception or conditional use permit for a use which that is not an agricultural use that is granted for land zoned under this subchapter shall be subject to the lien provided under s. 91.19 (8) to (10) for the amount of tax credits paid on the land granted such a permit conditioned on the payment, to the county, city, village, or town that grants the special exception or conditional use permit, of $60 per acre of land for which the special exception or conditional use permit is granted. A county, city, village, or town that receives payment under this section shall pay to the state the amount received.

**SECTION 2379.** 92.10 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed and recreated to read:
92.10 (4) (a) Data. The department shall develop a systematic method of collecting and organizing data related to soil erosion. The department shall cooperate with the department of administration under s. 16.967 and consider any recommendations of the Wisconsin land council in developing this methodology or any related activities related to land information collection.

**SECTION 2380.** 92.14 (3) (intro.) of the statutes is amended to read:

92.14 (3) **BASIC ALLOCATIONS TO COUNTIES.** (intro.) To help counties fund their land and water conservation activities, the department shall award an annual grant from the appropriation under s. 20.115 (7) (c) or (qd) or **under** s. 20.866 (2) (we) to any county land conservation committee that has a land and water resource management plan approved by the department under s. 92.10 (4) (d), and that, by county board action, has resolved to provide any matching funds required under sub. (5g). The county may use the grant for land and water resource management planning and for any of the following purposes, consistent with the approved land and water resource management plan:

**SECTION 2381.** 93.01 (1m) of the statutes is amended to read:

93.01 (1m) “Business” includes any business, except that of banks, savings banks, credit unions, savings and loan associations, and insurance companies. “Business” includes public utilities and telecommunications carriers to the extent that their activities, beyond registration, notice, and reporting activities, are not regulated by the public service commission and includes public utility and telecommunications carrier methods of competition or trade and advertising practices that are exempt from regulation by the public service commission under s. 196.195, 196.196, 196.202, 196.203, 196.219, or 196.499 or by other action of the commission.
**SECTION 2382.** 93.06 (8) of the statutes is amended to read:

93.06 (8) **PRESCRIBE CONDITIONS OF LICENSES.** Except as provided in s. 93.135, issue any permit, certificate, registration or license on a temporary or conditional basis, contingent upon pertinent circumstances or acts. If the temporary or conditional permit, certificate, registration or license is conditioned upon compliance with chs. 93 to 100, ch. **127 126**, a rule promulgated by the department or a regulation adopted under s. 97.41 (7) within a specified period of time and the condition is not met within the specified period, the permit, certificate, registration or license shall be void.

**SECTION 2383.** 93.06 (12) of the statutes is created to read:

93.06 (12) **FEDERAL AGRICULTURAL POLICY REFORM.** Provide assistance to organizations to seek the reform of federal agricultural policy for the benefit of agricultural producers in this state. This subsection does not apply after June 30, 2005.

**SECTION 2384.** 93.07 (25) of the statutes is repealed.

**SECTION 2385.** 93.135 (1) (rm) of the statutes is amended to read:

93.135 (1) (rm) A registration certificate /license under s. **100.03 (2) 126.56**.

**SECTION 2386.** 93.135 (1) (s) of the statutes is amended to read:

93.135 (1) (s) A license under s. **127.02 (1) 126.26**.

**SECTION 2387.** 93.135 (1) (sm) of the statutes is amended to read:

93.135 (1) (sm) A license under s. **127.03 (1) 126.11**.

**SECTION 2388.** 93.20 (1) of the statutes is amended to read:

93.20 (1) **DEFINITION.** In this section, “action” means an action that is commenced in court by, or on behalf of, the department of agriculture, trade and consumer protection to enforce chs. 88, 91 to 100 or **127 126**.
SECTION 2389. 93.21 (5) (a) of the statutes is amended to read:

93.21 (5) (a) In this subsection, “license” means a permit, certificate, registration or license issued by the department under chs. 91 to 100 or ch. 127 126.

SECTION 2390. 93.23 (1) (h) of the statutes is repealed.

SECTION 2391. 93.46 (3) of the statutes is created to read:

93.46 (3) (a) The department may make grants and provide technical assistance to agricultural producers and agricultural organizations to support preliminary research and investigations on potential business enterprises that may increase the value of raw agricultural commodities.

(b) The department may not provide funding under this subsection for more than 2 years for research and investigations related to a single business enterprise.

The department may not award more than $25,000 under this subsection for research and investigations related to a single business enterprise.

(c) The department shall promulgate rules for the administration of this subsection.

SECTION 2392. 93.47 (2) of the statutes is amended to read:

93.47 (2) The department may award grants from the appropriation accounts under s. 20.115 (4) (c) and (d) (g) to individuals or organizations to fund demonstration projects designed to encourage the use of sustainable agriculture.

The department shall promulgate rules to govern the sustainable agriculture grant program under this section.

SECTION 2393. 93.48 of the statutes is repealed.

SECTION 2394. 93.50 (1) (g) of the statutes is amended to read:

93.50 (1) (g) “Procurement contract” has the meaning given for “vegetable procurement contract” in s. 100.03 (1) (vm) 126.55 (15).
SECTION 2395. 94.02 (4) of the statutes is amended to read:

94.02 (4) This section pertains to the abatement of pests on agricultural lands and on agricultural business premises. This section does not affect the authority of the department of natural resources under ch. 26.

SECTION 2396. 94.72 (14) (a) of the statutes is amended to read:

94.72 (14) (a) A person who violates this section or an order issued or a rule promulgated under this section shall may be fined not more than $200 or imprisoned not more than 6 months or both.

SECTION 2397. 94.72 (14) (am) of the statutes is created to read:

94.72 (14) (am) The department or any district attorney may commence an action in the name of the state to recover a civil forfeiture to the state of not less than $100 nor more than $5,000 for each violation of this section, or an order issued or a rule promulgated under this section.

SECTION 2398. 95.15 of the statutes is repealed.

SECTION 2399. 95.60 (8) of the statutes is created to read:

95.60 (8) The department may provide training to veterinarians and other persons who issue fish health certificates for the purposes of this section. The department may charge fees to recover the cost of providing the training.

SECTION 2400. 97.20 (2) (d) 2. of the statutes is amended to read:

97.20 (2) (d) 2. The license applicant has filed all financial information required under s. 126.44 and any security required under s. 126.47. If an applicant has not filed all financial information under s. 126.44 and any security required under s. 126.47, the department may issue a conditional dairy plant license under s. 93.06 (8) which prohibits the licensed operator from purchasing milk or fluid milk
products from milk producers or their agents, but allows the operator to purchase
milk or fluid milk products from other sources.

Section 2401. 97.20 (3m) of the statutes is amended to read:

97.20 (3m) Confidentiality. Any information kept by the department under
this section or s. 97.24 that identifies individual milk producers who deliver milk to
a dairy plant licensed under this section and that is a composite list for that dairy
plant is not subject to inspection under s. 19.35 unless inspection is required under
s. 100.06 (4) 126.70 or unless the department determines that inspection is necessary
to protect the public health, safety or welfare.

Section 2402. 97.22 (10) of the statutes is amended to read:

97.22 (10) Confidentiality. Any information obtained and kept by the
department under this section, under s. 97.24 or 97.52, or under rules promulgated
under those sections, that pertains to individual milk producer production, milk fat
and other component tests and quality records is not subject to inspection under s.
19.35 except as required under s. 100.06 (4) 126.70 or except as the department
determines is necessary to protect the public health, safety or welfare.

Section 2403. 97.29 (4) of the statutes is amended to read:

97.29 (4) Food processing plants buying vegetables from producers. The
department may not issue or renew a license to operate a food processing plant to any
applicant who is a vegetable contractor, as defined in s. 100.03 (1) (f) 126.55 (14),
unless the applicant has filed all financial information required under s. 126.58 and
any security that is required under s. 100.03 126.61. If an applicant has not filed all
financial information required under s. 126.58 and any security that is required
under s. 100.03 126.61, the department may issue a conditional license under s. 93.06
(8) that prohibits the licensed operator from procuring vegetables from a producer.
or a producer's agent, but allows the operator to procure vegetables from other
sources.

Section 2404. 100.03 of the statutes is repealed.

Section 2405. 100.06 of the statutes is repealed.

Section 2406. 100.18 (11) (d) of the statutes is amended to read:

100.18 (11) (d) The department or the department of justice, after consulting
with the department, or any district attorney, upon informing the department, may
commence an action in circuit court in the name of the state to restrain by temporary
or permanent injunction any violation of this section. The court may in its discretion,
prior to entry of final judgment, make such orders or judgments as may be necessary
to restore to any person any pecuniary loss suffered because of the acts or practices
involved in the action, provided proof thereof is submitted to the satisfaction of the
court. The department and the department of justice may subpoena persons and
require the production of books and other documents, and the department of justice
may request the department to exercise its authority under par. (c) to aid in the
investigation of alleged violations of this section.

Section 2407. 100.18 (11) (e) of the statutes is amended to read:

100.18 (11) (e) In lieu of instituting or continuing an action pursuant to this
section, the department or the department of justice may accept a written assurance
of discontinuance of any act or practice alleged to be a violation of this section from
the person who has engaged in such act or practice. The acceptance of such assurance
by either the department or the department of justice shall be deemed acceptance by
the other state officials enumerated in par. (d) if the terms of the assurance so
provide. An assurance entered into pursuant to this section shall not be considered
evidence of a violation of this section, provided that violation of such an assurance
shall be treated as a violation of this section, and shall be subjected to all the
penalties and remedies provided therefor.

**SECTION 2408.** 100.20 (2) (b) of the statutes is amended to read:

100.20 (2) (b) Notwithstanding par. (a), the department may not issue any
order or promulgate any rule that regulates the provision of water or sewer service
by a mobile manufactured home park operator, as defined in s. 196.01 (3t) 101.91 (8),
or mobile manufactured home park contractor, as defined in s. 196.01 (3q) 101.91
(6m), or enforce any rule to the extent that the rule regulates the provision of such
water or sewer service.

**SECTION 2409.** 100.20 (4) of the statutes is amended to read:

100.20 (4) The department of justice district attorney may file a written
complaint with the department alleging that the person named is employing unfair
methods of competition in business or unfair trade practices in business or both.
Whenever such a complaint is filed it shall be the duty of the department to proceed,
after proper notice and in accordance with its rules, to the hearing and adjudication
of the matters alleged, and a representative of the department of justice designated
by the attorney general district attorney may appear before the department in such
proceedings. The department of justice district attorney shall be entitled to judicial
review of the decisions and orders of the department under ch. 227.

**SECTION 2410.** 100.207 (6) (b) 1. of the statutes is amended to read:

100.207 (6) (b) 1. The department of justice, after consulting with the
department of agriculture, trade and consumer protection, or any district attorney
upon informing the department of agriculture, trade and consumer protection, may
commence an action in circuit court in the name of the state to restrain by temporary
or permanent injunction any violation of this section. Injunctive relief may include
an order directing telecommunications providers, as defined in s. 196.01 (8p), to
discontinue telecommunications service provided to a person violating this section
or ch. 196. Before entry of final judgment, the court may make such orders or
judgments as may be necessary to restore to any person any pecuniary loss suffered
because of the acts or practices involved in the action if proof of these acts or practices
is submitted to the satisfaction of the court.

Section 2411. 100.207 (6) (b) 2. of the statutes is amended to read:

100.207 (6) (b) 2. The department may exercise its authority under ss. 93.14
to 93.16 and 100.18 (11) (c) to administer this section. The department and the
department of justice may subpoena persons and require the production of books and
other documents, and the department of justice may request the department of
agriculture, trade and consumer protection to exercise its authority to aid in the
investigation of alleged violations of this section.

Section 2412. 100.207 (6) (c) of the statutes is amended to read:

100.207 (6) (c) Any person who violates subs. (2) to (4) shall be required to
forfeit not less than $25 nor more than $5,000 for each offense. Forfeitures under this
paragraph shall be enforced by the department of justice, after consulting with the
department of agriculture, trade and consumer protection, or, upon informing the
department, by the district attorney of the county where the violation occurs.

Section 2413. 100.207 (6) (em) 1. of the statutes is amended to read:

100.207 (6) (em) 1. Before preparing any proposed rule under this section, the
department shall form an advisory group to suggest recommendations regarding the
content and scope of the proposed rule. The advisory group shall consist of one or
more persons who may be affected by the proposed rule, a representative from the
department of justice and a representative from the public service commission.
SECTION 2414. 100.235 (1) (b) of the statutes is amended to read:

100.235 (1) (b) “Contractor” has the meaning given for “vegetable contractor” under s. 100.03 (1) (f) 126.55 (14).

SECTION 2415. 100.235 (1) (em) of the statutes is renumbered 100.235 (1) (dm) and amended to read:

100.235 (1) (dm) “Registration License year” has the meaning given under s. 100.03 (1) (y) 126.55 (10m).

SECTION 2416. 100.235 (2) of the statutes is amended to read:

100.235 (2) CONTRACTOR MAY NOT PAY PRODUCER LESS THAN CONTRACTOR'S COST TO GROW. If a contractor and the contractor’s affiliates and subsidiaries collectively grow more than 10% of the acreage of any vegetable species grown and procured by the contractor in any registration license year, the contractor shall pay a producer, for vegetables of that species tendered or delivered under a vegetable procurement contract, a price not less than the contractor’s cost to grow that vegetable species in the same growing region. For vegetables contracted on a tonnage basis and for open–market tonnage purchased, acreage under this subsection shall be determined using the state average yield per acre during the preceding registration license year.

SECTION 2417. 100.235 (3) of the statutes is repealed.

SECTION 2418. 100.235 (4) of the statutes is amended to read:

100.235 (4) COST TO GROW; REPORT TO DEPARTMENT UPON REQUEST. If the department determines that a contractor and the contractor’s affiliates and subsidiaries will collectively grow more than 10% of the acreage of any vegetable species grown and procured by the contractor during a registration license year, the department may require the contractor to file a statement of the contractor’s cost to grow that vegetable species. The contractor shall file the report with the department
within 30 days after the department makes its request, unless the department grants an extension of time. The department may permit the contractor to report different costs to grow for different growing regions if the contractor can define the growing regions to the department’s satisfaction, and can show to the department’s satisfaction that the contractor’s costs to grow are substantially different between the growing regions.

Section 2419. 100.24 of the statutes is amended to read:

100.24 Revocation of corporate authority. Any corporation, or limited liability company, foreign or domestic, which violates any order issued under s. 100.20 may be enjoined from doing business in this state and its certificate of authority, incorporation, or organization may be canceled or revoked. The attorney general department may bring an action for this purpose in the name of the state. In any such action judgment for injunction, cancellation, or revocation may be rendered by the court, upon such terms as it deems just and in the public interest, but only upon proof of a substantial and willful violation.

Section 2420. 100.26 (5) of the statutes is amended to read:

100.26 (5) Any person violating s. 100.06 or any order or regulation of the department, or s. 100.18 (9), shall be fined not less than $100 nor more than $1,000 or imprisoned for not more than 2 years or both. Each day of violation constitutes a separate offense.

Section 2421. 100.26 (6) of the statutes is amended to read:

100.26 (6) The department, the department of justice, after consulting with the department, or any district attorney may commence an action in the name of the state to recover a civil forfeiture to the state of not less than $100 nor more than $10,000 for each violation of an injunction issued under s. 100.18, 100.182 or 100.20
(6) The department of agriculture, trade and consumer protection or any district attorney may commence an action in the name of the state to recover a civil forfeiture to the state of not less than $100 nor more than $10,000 for each violation of an order issued under s. 100.20.

**SECTION 2422.** 100.261 (title) of the statutes is amended to read:

100.261 (title) **Consumer information protection assessment.**

**SECTION 2423.** 100.261 (1) of the statutes is amended to read:

100.261 (1) If a court imposes a fine or forfeiture for a violation of this chapter, ch. 98, a rule promulgated under this chapter or ch. 98 or an ordinance enacted under this chapter or ch. 98, the court shall also impose a consumer information protection assessment in an amount equal to 15% 25% of the fine or forfeiture imposed. If multiple violations are involved, the court shall base the consumer information protection assessment upon the total of the fine or forfeiture amounts for all violations. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the assessment in proportion to the suspension.

**SECTION 2424.** 100.261 (2) of the statutes is amended to read:

100.261 (2) If any deposit is made for a violation to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the consumer information protection assessment required under this section. If the deposit is forfeited, the amount of the consumer information protection assessment shall be transmitted to the state treasurer under sub. (3). If the deposit is returned, the consumer information protection assessment shall also be returned.

**SECTION 2425.** 100.261 (3) (a) of the statutes is amended to read:

100.261 (3) (a) The clerk of court shall collect and transmit the consumer information protection assessment amounts to the county treasurer under s. 59.40
(2) (m). The county treasurer shall then make payment to the state treasurer under s. 59.25 (3) (f) 2.

SECTION 2426. 100.261 (3) (b) 1. of the statutes is renumbered 100.261 (3) (b) and amended to read:

100.261 (3) (b) The state treasurer shall deposit the consumer protection assessment amounts in the general fund and shall credit them to the appropriation account under s. 20.115 (1) (jb), subject to the limit under subd. 2 par. (c).

SECTION 2427. 100.261 (3) (b) 2. of the statutes is renumbered 100.261 (3) (c) and amended to read:

100.261 (3) (c) The amount credited to the appropriation account under s. 20.115 (1) (jb) may not exceed $85,000 $185,000 in each fiscal year.

SECTION 2428. 100.263 of the statutes is amended to read:

100.263 Recovery. In addition to other remedies available under this chapter, the court may award the department the reasonable and necessary costs of investigation and an amount reasonably necessary to remedy the harmful effects of the violation, and the court may award the department of justice the reasonable and necessary expenses of prosecution, including attorney fees, from any person who violates this chapter. The department and the department of justice shall deposit in the state treasury for deposit in the general fund all moneys that the court awards to the department, the department of justice or the state under this section. Ten percent of the money deposited in the general fund that was awarded under this section for the costs of investigation and the expenses of prosecution, including attorney fees, shall be credited to the appropriation account under s. 20.455 (1) (gh).

SECTION 2429. 100.264 (2) (intro.) of the statutes is amended to read:
100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is imposed on a person for a violation under s. 100.16, 100.17, 100.18, 100.182, 100.183, 100.20, 100.205, 100.207, 100.21, 100.30 (3), 100.35, 100.44 or 100.46, or 100.52 or a rule promulgated under one of those sections, the person shall be subject to a supplemental forfeiture not to exceed $10,000 for that violation if the conduct by the defendant, for which the violation was imposed, was perpetrated against an elderly person or disabled person and if the court finds that any of the following factors is present:

SECTION 2430. 100.285 (6) of the statutes is repealed.

SECTION 2431. 100.37 (8) of the statutes is renumbered 100.37 (8) (a) and amended to read:

100.37 (8) (a) Whoever violates this section or an order issued or a rule promulgated under this section may be fined not more than $5,000 or imprisoned not more than one year in the county jail or both.

SECTION 2432. 100.37 (8) (b) of the statutes is created to read:

100.37 (8) (b) The department or any district attorney may commence an action in the name of the state to recover a civil forfeiture to the state of not less than $100 nor more than $5,000 for each violation of this section, or an order issued or a rule promulgated under this section.

SECTION 2433. 100.42 (6) of the statutes is created to read:

100.42 (6) PENALTIES. (a) Any person who violates this section may be fined an amount not to exceed $200 or imprisoned in the county jail for not more than 6 months or both.

(b) The department or any district attorney may commence an action in the name of the state to recover a civil forfeiture to the state of not less than $100 nor
more than $5,000 for each violation of this section, or an order issued or a rule
promulgated under this section.

SECTION 2434. 100.45 (1) (dm) of the statutes is amended to read:

100.45 (1) (dm) “State agency” means any office, department, agency,
institution of higher education, association, society or other body in state
government created or authorized to be created by the constitution or any law which
is entitled to expend moneys appropriated by law, including the legislature and the
courts, the Wisconsin Housing and Economic Development Authority, the Bradley
Center Sports and Entertainment Corporation, the University of Wisconsin
Hospitals and Clinics Authority and the Wisconsin Health and Educational
Facilities Authority, and the Fox River Navigational System Authority.

SECTION 2435. 100.52 (title) of the statutes is created to read:

100.52 (title) Telephone solicitations.

SECTION 2436. 100.52 (1) (title) of the statutes is created to read:

100.52 (1) (title) Definitions.

SECTION 2437. 100.52 (1) (a) of the statutes is created to read:

100.52 (1) (a) “Blocking service” means a service that allows a person who
makes a telephone call to withhold the telephone number or name associated with
the telephone line used to make the call from a person who receives the call and who
uses a caller identification service.

SECTION 2438. 100.52 (1) (b) of the statutes is created to read:

100.52 (1) (b) “Business entity” means any organization or enterprise that is
operated for profit or that is nonprofit and nongovernmental, including a sole
proprietorship, association, business trust, corporation, joint venture, limited
liability company, limited liability partnership, partnership, or syndicate.
SECTION 2439. 100.52 (1) (c) of the statutes is created to read:

100.52 (1) (c) “Caller identification service” means a service that allows a person who receives a telephone call to identify the telephone number or name associated with the telephone line used to make the call.

SECTION 2440. 100.52 (1) (d) of the statutes is created to read:

100.52 (1) (d) “Professional telemarketer” means a business entity with employees whose primary duty is to make telephone solicitations.

SECTION 2441. 100.52 (3) of the statutes is created to read:

100.52 (3) TELEPHONE SOLICITATION DISCLOSURES. An employee of a professional telemarketer may not make a telephone solicitation unless, when initiating the telephone conversation, the employee discloses to the recipient of the telephone call each of the following:

(a) The employee’s name.

(b) The identity of the person selling the property, goods, or services for whom the telephone solicitation is being made.

(c) The purpose of the call.

SECTION 2442. 100.52 (4) of the statutes is created to read:

100.52 (4) TELEPHONE SOLICITATION NOTICES. An employee of a professional telemarketer may not make a telephone solicitation to a person who has provided notice to the professional telemarketer that the person does not want to receive telephone solicitations.

SECTION 2443. 100.52 (5) of the statutes is created to read:

100.52 (5) BLOCKING SERVICES. An employee of a professional telemarketer may not use a blocking service when making a telephone solicitation.

SECTION 2444. 100.52 (6) of the statutes is created to read:
100.52 (6) TERRITORIAL APPLICATION. This section applies to any interstate telephone solicitation received by a person in this state and to any intrastate telephone solicitation.

SECTION 2445. 100.52 (7) of the statutes is created to read:

100.52 (7) ENFORCEMENT. The department, or any district attorney upon informing the department, may investigate violations of this section and bring an action for temporary or permanent injunctive or other relief for any violation of this section.

SECTION 2446. 100.52 (8) of the statutes is created to read:

100.52 (8) PENALTIES. If an employee of a professional telemarketer violates this section, the professional telemarketer may be required to forfeit not more than $500 for each violation.

SECTION 2447. 101.01 (5m) of the statutes is created to read:

101.01 (5m) “Fire department” means any of the following:

(a) A fire company under ch. 213 that provides fire protection services to a city, village, or town.

(b) A department established by a city, village, or town that provides fire protection services to a city, village, or town.

(c) A joint fire department that provides fire protection services to a city, village, or town.

(d) A person that contracts to provide fire protection services to a town under s. 60.55 (1) (a) 3.

SECTION 2448. 101.02 (15) (am) of the statutes is created to read:

101.02 (15) (am) The department has jurisdiction over and supervision of all buildings, structures, premises, and public thoroughfares in this state for the
purpose of administering all laws of this state relating to fire inspections, fire
prevention, fire detection, and fire suppression.

**SECTION 2449.** 101.09 (3) (d) of the statutes is created to read:

101.09 (3) (d) The department shall promulgate a rule specifying fees for plan
review and inspection of tanks for the storage, handling, or use of flammable or
combustible liquids and for any certification or registration required under par. (c).

**SECTION 2450.** 101.139 of the statutes is created to read:

101.139 **Fire safety and injury prevention education program.** The
department may develop and administer a fire safety and injury prevention
education program, designed to educate the public regarding fire prevention, fire
detection, fire suppression, injury prevention, and any other related subject matter.
The department may make grants to support the purposes of the program.

**SECTION 2451.** 101.14 (1) (title) of the statutes is created to read:

101.14 (1) (title) **AUTHORITY AND DUTIES OF DEPARTMENT; GENERALLY.**

**SECTION 2452.** 101.14 (1) (b) and (bm) of the statutes are amended to read:

101.14 (1) (b) The **Except as otherwise provided in this paragraph, the** secretary and or any deputy may, at all any reasonable hours time, enter into and
upon all buildings, premises and public thoroughfares excepting only the interior of
private dwellings, any building, premises, or public thoroughfare for the purpose of
ascertaining and causing to be corrected any condition liable to cause fire, or any
violation of any law or order relating to the a fire hazard or relating to the prevention
of fire. **This paragraph does not provide the secretary or any deputy with authority
to enter the interior of a private dwelling.**

(bm) The secretary and or any deputy may, at all any reasonable hours time,
enter the interior of a private dwellings dwelling at the request of the owner or renter
for the purpose of s. 101.145 (6) or 101.645 (4) verifying the proper installation and
maintenance of fire suppression devices and fire detection devices.

Section 2453. 101.14 (1) (c) of the statutes is renumbered 101.14 (3) (b) and
amended to read:

101.14 (3) (b) The department is hereby empowered and directed to shall
provide the form of a course of study in fire prevention for use in the public schools,
dealing. The course of study shall deal with the protection of lives and property
against loss or damage as a result of preventable fires, and. The department shall
transmit the same by the first day of August in each year form of the course of study
to the state superintendent of public instruction no later than August 1 of each year.

Section 2454. 101.14 (2) (title) of the statutes is created to read:

101.14 (2) (title) Authority and duties of local governments and their
agents and contractors.

Section 2455. 101.14 (2) (a) of the statutes is amended to read:

101.14 (2) (a) Each city, village, and town shall ensure that all duties
established under this subsection are carried out in the city, village, or town. The
chief of the fire department in every each city, village, or town, except cities of the 1st
class other than a 1st class city, is constituted a deputy of the department, subject
to the right of the department to relieve any such the chief from his or her duties as
such a deputy for cause, and, upon such the suspension, to appoint some other person
to perform the duty imposed upon such the deputy. The In a 1st class city, the
department may appoint either the chief of the fire department or the building
inspector as its the department’s deputy in cities of the 1st class.

Section 2456. 101.14 (2) (e) of the statutes is amended to read:
101.14 (2) (e) Written reports of inspection shall be made and kept on file by
the local authority having jurisdiction to conduct inspections, or its designee,
in the manner and form required by the department.

SECTION 2457. 101.14 (2) (f) of the statutes is renumbered 101.14 (1) (cm) and
amended to read:

101.14 (1) (cm) Every inspection required under pars. sub. (2) (b) and (c) is
subject to the supervision and direction of the department, which shall, after audit,
certify to the commissioner of insurance after the expiration of each calendar year
each city, village or town where the inspections for the year have been made, and
where records have been made and kept on file as required under par. (e).

SECTION 2458. 101.14 (3) (title) of the statutes is created to read:

101.14 (3) (title) EDUCATION AND TRAINING.

SECTION 2459. 101.14 (3) of the statutes is renumbered 101.14 (3) (a).

SECTION 2460. 101.14 (4) (title) of the statutes is created to read:

101.14 (4) (title) FIRE DETECTION, PREVENTION, AND SUPPRESSION DEVICES IN
PLACES OF EMPLOYMENT AND PUBLIC BUILDINGS.

SECTION 2461. 101.14 (4m) (title) of the statutes is created to read:

101.14 (4m) (title) FIRE SUPPRESSION IN MULTIFAMILY DWELLINGS.

SECTION 2462. 101.14 (5) (title) of the statutes is created to read:

101.14 (5) (title) GROUNDWATER FEE.

SECTION 2463. 101.141 of the statutes is amended to read:

101.141 Record keeping and reporting of fires. The department Each fire
department shall maintain records a record of all fires occurring in this state. Such
records shall be within the territory served by the fire department. The record shall
be open to public inspection during normal business hours under s. 19.35 and, for the
purposes of a record maintained under this section, the fire department maintaining
the record shall be considered an authority under s. 19.32 (1). This section does not
limit the number of persons that qualify as an authority under s. 19.32 (1). The
department of commerce, by rule, may require a fire department to provide the
department of commerce with any information maintained under this section.

SECTION 2464. 101.143 (1) (ce) of the statutes is created to read:

101.143 (1) (ce) “High-cost site” means the site of a discharge of a petroleum
product from a petroleum storage tank at which more than $200,000 in eligible costs
under this section have been incurred.

SECTION 2465. 101.143 (2e) (c) of the statutes is amended to read:

101.143 (2e) (c) The department of natural resources or, if the discharge is
covered under s. 101.144 (2) (b) or (c), the department of commerce shall apply the
method in the rules promulgated under par. (b) to determine the risk posed by a
discharge for which the department of commerce receives notification under sub. (3)
(a) 3.

SECTION 2466. 101.143 (3) (c) 4. of the statutes is amended to read:

101.143 (3) (c) 4. Receive written approval from the department of natural
resources or, if the discharge is covered under s. 101.144 (2) (b) or (c), from the
department of commerce that the remedial action activities performed under subd.
3. meet the requirements of s. 292.11.

SECTION 2467. 101.143 (3) (cm) of the statutes is amended to read:

101.143 (3) (cm) Monitoring as remedial action. An owner or operator or person
owning a home oil tank system may, with the approval of the department of natural
resources or, if the discharge is covered under s. 101.144 (2) (b) or (c), the department
of commerce, satisfy the requirements of par. (c) 2. and 3. by proposing and
implementing monitoring to ensure the effectiveness of natural attenuation of petroleum product contamination.

**SECTION 2468.** 101.143 (3) (d) of the statutes is amended to read:

101.143 (3) (d) **Final review of remedial action activities.** The department of natural resources or, if the discharge is covered under s. 101.144 (2) (b) or (c), the department of commerce shall complete a final review of the remedial action activities within 60 days after the claimant notifies the appropriate department that the remedial action activities are completed.

**SECTION 2469.** 101.143 (4) (a) 6. of the statutes is amended to read:

101.143 (4) (a) 6. In any fiscal year, the department may not award more than 5% of the amount appropriated under s. 20.143 (3) (v) as awards for petroleum product storage systems described in par. (ei) 1.

**SECTION 2470.** 101.143 (4) (b) (intro.) of the statutes is amended to read:

101.143 (4) (b) **Eligible costs.** (intro.) Except as provided in par. (c) or (cc), eligible costs for an award under par. (a) include actual costs or, if the department establishes a usual and customary cost under par. (cm) for an item, usual and customary costs for the following items:

**SECTION 2471.** 101.143 (4) (cc) of the statutes is created to read:

101.143 (4) (cc) **Ineligibility for interest reimbursement.** 1. a. Except as provided in subd. 2., if an applicant’s final claim is submitted more than 60 days after receiving written notification that no further remedial action is necessary with respect to the discharge, interest costs incurred by the applicant after the 60th day after receiving that notification are not eligible costs.

b. Except as provided in subd. 2. or 3., if the remedial action activities for an applicant’s site are not completed by the first day of the 121st month after the
investigation under sub. (3) (c) 1. is completed, interest costs incurred by the applicant after that day are not eligible costs.

c. Except as provided in subd. 2., if an applicant does not complete the investigation of the petroleum product discharge by the first day of the 61st month after the month in which the applicant notified the department under sub. (3) (a) 3. or the first day of the 25th month beginning after the effective date of subd. 1. a., whichever is later, interest costs incurred by the applicant after the later of those days are not eligible costs.

2. Subdivision 1. or 3. does not apply to any of the following:

a. An applicant that is a local unit of government, if federal or state financial assistance other than under this section, has been provided for that expansion or redevelopment.

b. An applicant that is engaged in the expansion or redevelopment of brownfields, as defined in s. 560.13 (1) (a), if federal or state financial assistance other than under this section, has been provided for that expansion or redevelopment.

3. Except as provided in subd. 2., for a category one high-cost site, as defined in sub. (12) (a) 1., if the first day of the 121st month after the investigation under sub. (3) (c) 1. is completed is before December 1, 2006, subd. 1. b. does not apply, and interest costs incurred by the applicant after December 1, 2006, are ineligible costs.

SECTION 2472. 101.143 (4) (d) 2. c. of the statutes is amended to read:

101.143 (4) (d) 2. c. For an owner or operator of a petroleum product storage system described in par. (ei) 1., $100,000.

SECTION 2473. 101.143 (4) (dm) 2. c. of the statutes is amended to read:
101.143 (4) (dm) 2. c. For the owner or operator of a petroleum product storage system that is described in par. (ei) 1, $2,500 plus 5% of eligible costs per occurrence.

**SECTION 2474.** 101.143 (4) (dm) 3. c. of the statutes is amended to read:

101.143 (4) (dm) 3. c. For an owner or operator of a petroleum product storage system described in par. (ei) 1, $100,000.

**SECTION 2475.** 101.143 (4) (e) 2. of the statutes is amended to read:

101.143 (4) (e) 2. The department shall issue the award under this paragraph without regard to fault in an amount equal to the amount of the eligible costs that exceeds a deductible amount of $10,000, except that the deductible amount for a petroleum product storage system that is owned by a school district or a technical college district and that is used for storing heating oil for consumptive use on the premises where stored is 25% of eligible costs and except that the deductible for a petroleum product storage system that is described in par. (ei) 1 is $2,500 plus 5% of the eligible costs, but not more than $7,500 per occurrence without regard to when the eligible costs are incurred.

**SECTION 2476.** 101.143 (4) (e) 2m. of the statutes is amended to read:

101.143 (4) (e) 2m. An award issued under this paragraph may not exceed $190,000 for each occurrence, except that an award under this paragraph to the owner or operator of a petroleum product storage system described in par. (ei) 1 may not exceed $100,000 per occurrence.

**SECTION 2477.** 101.143 (4) (ei) 1. (intro.) of the statutes is renumbered 101.143 (4) (ei) (intro.).

**SECTION 2478.** 101.143 (4) (ei) 1. a. of the statutes is renumbered 101.143 (4) (ei) 1m. a. and amended to read:
101.143 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel of 35 or more acres of contiguous land, on which the farm tank is located, which is devoted primarily to agricultural use, as defined in s. 91.01 (1), including land designated by the department of natural resources as part of the ice age trail under s. 23.17, which during the year preceding submission of a first claim under sub. (3) produced gross farm profits, as defined in s. 71.58 (4), of not less than $6,000 or which, during the 3 years preceding that submission produced gross farm profits, as defined in s. 71.58 (4), of not less than $18,000, or a parcel of 35 or more acres, on which the farm tank is located, of which at least 35 acres, during part or all of the year preceding that submission, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

**SECTION 2479.** 101.143 (4) (ei) 1. b. of the statutes is renumbered 101.143 (4) (ei) 2m.

**SECTION 2480.** 101.143 (4) (ei) 1m. (intro.) of the statutes is created to read:

101.143 (4) (ei) 1m. (intro.) One of the following conditions is satisfied:

**SECTION 2481.** 101.143 (4) (ei) 1m. b. of the statutes is created to read:

101.143 (4) (ei) 1m. b. Within 12 months before the owner or operator of the farm tank submits a first claim under sub. (3), the owner or operator of the farm tank owned a parcel of 35 or more acres of contiguous land, on which the farm tank is located, which was devoted primarily to agricultural use, as defined in s. 91.01 (1), including land designated by the department of natural resources as part of the ice age trail under s. 23.17, which during the year preceding the transfer of the parcel to another person produced gross farm profits, as defined in s. 71.58 (4), of not less than $6,000 or which, during the 3 years preceding that transfer produced gross farm profits, as defined in s. 71.58 (4), of not less than $18,000, or a parcel of 35 or more
acres, on which the farm tank is located, of which at least 35 acres, during part or all of the year preceding the transfer of the parcel to another person, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 2482. 101.143 (4) (ei) 2. of the statutes is renumbered 101.143 (4) (a) 5m. and amended to read:

101.143 (4) (a) 5m. The department shall review claims related to discharges from farm tanks described in subd. 1. par. (ei) as soon as the claims are received. The department shall issue an award for an eligible discharge from a farm tank described in subd. 1. par. (ei) as soon as it completes the review of the claim.

SECTION 2483. 101.143 (6) (b) of the statutes is amended to read:

101.143 (6) (b) The department, after consultation with the petroleum storage environmental cleanup council, shall determine whether proof of financial responsibility submitted under par. (a) satisfies par. (a).

SECTION 2484. 101.143 (8) of the statutes is repealed.

SECTION 2485. 101.143 (9m) (g) 2. of the statutes is amended to read:

101.143 (9m) (g) 2. Revenue obligations issued under this subsection may not exceed $270,000,000 $370,000,000 in principal amount. In addition to this limit on principal amount, the building commission may contract revenue obligations under this subsection as the building commission determines is desirable to fund or refund outstanding revenue obligations, to pay issuance or administrative expenses, to make deposits to reserve funds, or to pay accrued or capitalized interest.

SECTION 2486. 101.143 (12) of the statutes is created to read:

101.143 (12) HIGH-COST SITES. (a) In this subsection:
1. “Category one high-cost site” means a site of a discharge that is a high-cost site on November 30, 2001, for which written approval under sub. (3) (c) 4. has not been issued on or before that date.

2. “Category 2 high-cost site” means a site of a discharge that becomes a high-cost site after November 30, 2001, for which written approval under sub. (3) (c) 4. has not been issued, if either more than $400,000 in eligible costs under this section have been incurred for the site or remedial action activities for the site have not been completed within 7 years after the investigation under sub. (3) (c) 1. is completed.

(b) Except as provided in par. (d), the department of natural resources shall oversee remedial action activities for category one high-cost sites, other than category one high-cost sites over which the department of commerce has jurisdiction under s. 101.144 (2), so that remedial action activities are completed for at least 15% of those sites in each 12-month period and that remedial action activities are completed for each of those sites no later than December 1, 2006, or the last day of the 120th month after the site investigation is completed, whichever is later.

(c) Except as provided in par. (d), the department of commerce shall do all of the following:

1. Oversee remedial action activities for category one high-cost sites over which the department has jurisdiction under s. 101.144 (2) so that remedial action activities are completed for at least 15% of those sites in each 12-month period and that remedial action activities are completed for each of those sites no later than December 1, 2006, or the last day of the 120th month after the site investigation is completed, whichever is later.
2. Oversee remedial action activities for each category 2 high-cost site so that remedial action activities are completed within 36 months after the site first becomes a category 2 high-cost site.

(d) Paragraphs (b) and (c) do not apply to any of the following:

1. A site for which the person conducting the remedial action activities is a local unit of government, if federal or state financial assistance, other than under this section, has been provided for that expansion or redevelopment.

2. A site for which the person conducting the remedial action activities is engaged in the expansion or redevelopment of brownfields, as defined in s. 560.13 (1) (a), if federal or state financial assistance, other than under this section, has been provided for that expansion or redevelopment.

SECTION 2487. 101.144 (2) (a) of the statutes is amended to read:

101.144 (2) (a) The department shall administer a program under which responsible persons investigate, and take remedial action in response to, those discharges of petroleum products from petroleum storage tanks that are covered under par. (b) or (c). The department may issue an order requiring a responsible person to take remedial action in response to a discharge of a petroleum product from a petroleum storage tank if the discharge is covered under par. (b) or (c). In administering this section, the department shall follow rules promulgated by the department of natural resources for the cleanup of discharges of hazardous substances.

SECTION 2488. 101.144 (2) (c) of the statutes is created to read:

101.144 (2) (c) The program under this section covers a discharge of a petroleum product from a petroleum storage tank if the site of the discharge is a category 2 high-cost site, as defined in s. 101.143 (12) (a) 2.
SECTION 2489. 101.144 (3) (intro.) of the statutes is amended to read:

101.144 (3) (intro.) The department of natural resources may take action under
s. 292.11 (7) (a) or may issue an order under s. 292.11 (7) (c) in response to a discharge
that is covered under sub. (2) (b) or (c) only if one or more of the following apply:

SECTION 2490. 101.19 (1) (b) of the statutes is amended to read:

101.19 (1) (b) The required inspection of boilers, pressure vessels, refrigeration
plants, petroleum and liquefied petroleum gas vessels, anhydrous ammonia tanks
and containers, elevators, ski towing and lift devices, escalators, dumbwaiters, and
amusement or thrill rides but not of amusement attractions.

SECTION 2491. 101.573 (title) of the statutes is repealed and recreated to read:

101.573 (title) Distribution of fire department dues.

SECTION 2492. 101.573 (1) of the statutes is repealed.

SECTION 2493. 101.573 (3) of the statutes is amended to read:

101.573 (3) Determination and distribution of fire department dues.  (a) On
or before No later than May 1 in 1 of each year, the department shall compile the
total of all fire department dues paid by all insurers under s. 601.93 and the dues paid
by the state fire fund under sub. (1) and funds together with any balance remaining
under par. (b), and the amount charged to the property insurance fund under s.
604.04 (3) (b). The department shall withhold .5% and certify to the state treasurer
the proper from this total for use under par. (b) and shall determine the amount to
be paid from the appropriation under s. 20.143 (3) (L) balance to each city, village,
or town entitled to fire department dues under s. 101.575. Annually, on or before No
later than August 1 of each year, the state treasurer department shall pay the
amounts certified by the department to the cities, villages and towns eligible under
s. 101.575 proper amount under s. 101.575 to each city, village, and town that is entitled to fire department dues.

(b) The amount withheld under par. (a) shall be disbursed to correct errors any error of the department or of the commissioner of insurance or for payments to cities, villages or towns which are to make a payment to any city, village, or town that is first determined to be eligible for payments under par. (a) entitled to fire department dues under s. 101.575 after May 15. The department shall certify to the state treasurer pay to each applicable city, village, or town, as near as is practical, the amount which that would have been payable to the municipality city, village, or town if payment had been properly disbursed under par. (a) on or prior to before May 15, except that the amount payable to any municipality city, village, or town that is first eligible determined to be entitled to fire department dues after May 15 shall be reduced by 1.5% for each month or portion of a month which that expires after May 15 and prior to before the eligibility determination. The state treasurer shall pay the amount certified to the city, village or town. The department shall include any remaining balance of the amount withheld in a calendar year under par. (a) which that is not disbursed under this paragraph shall be included in the total compiled by the department under par. (a) for the next calendar year. If errors in payments exceed the amount of disbursements under this paragraph exceeds the available balance of the amount set aside for error payments, withheld under par. (a), the department shall make reasonable adjustments shall be made in the distribution applicable distributions for the next year.

SECTION 2494. 101.573 (4) (title) of the statutes is created to read:

101.573 (4) (title) REPORTING REQUIREMENTS; DEPARTMENT AND COMMISSIONER OF INSURANCE.
SECTION 2495. 101.573 (4) of the statutes is renumbered 101.573 (4) (a) and amended to read:

101.573 (4) (a) The department shall transmit to the treasurer of each city, village, and town that is entitled to fire department dues, under s. 101.575 a statement of the amount of dues payable to it the city, village, or town under this section and the.

(b) The commissioner of insurance shall furnish to the state treasurer transmit to the department, upon request, a list of the containing the names of all insurers paying fire department dues under s. 601.93 and the amount paid by each listed insurer.

SECTION 2496. 101.575 (title) of the statutes is amended to read:

101.575 (title) Entitlement to and use of fire department dues.

SECTION 2497. 101.575 (1) (a) of the statutes is renumbered 101.575 (1) and amended to read:

101.575 (1) Entitlement generally. Except as provided in par. (am), every city, village, or town maintaining a fire department that complies with this subsection and the requirements of subs. (3) to (6) that is eligible to receive fire department dues under sub. (4) is entitled to a proportionate share of all fire department dues collected under ss. 101.573 and 601.93 and 604.04 (3) (b), after deducting the administrative expenses of the department under s. 101.573, based on the equalized valuation of real property improvements upon land within the city, village, or town, but not less than the amount the municipality received under s. 601.93 (3), 1977 stats., and chapter 26, laws of 1979, in calendar year 1979.

SECTION 2498. 101.575 (1) (am) of the statutes is renumbered 101.575 (7) and amended to read:
101.575 (7) Noncompliance Procedure. If except as otherwise provided in this subsection, if the department determines that a city, village, or town fire department has failed to satisfy the requirements of this subsection or subs. (3) to (6) is not eligible to receive fire department dues under sub. (4), the department shall nonetheless pay fire department dues for that calendar year to that to the city, village, or town. The department and shall issue a notice of noncompliance to the chief of the fire department, the applicable governing body and, to the highest elected official of the city, village or town. If the fire department cannot demonstrate mayor, village president, or town chairperson, as applicable, and to each fire department providing fire protection or fire prevention services to the city, village, or town. After the department issues a notice of noncompliance to a city, village, or town, the city, village, or town is not entitled to fire department dues until the city, village, or town demonstrates to the department that the fire department has met all requirements within one year after receipt of the notice or prior to the next audit by the department, whichever is later, the city, village or town shall not be entitled to dues under par. (a) for that year in which the city, village or town becomes not entitled to dues and for all subsequent calendar years until the requirements are met city, village, or town is eligible to receive fire department dues under sub. (4).

Section 2499. 101.575 (1) (b) of the statutes is renumbered 101.575 (4) (a) 3. and amended to read:

101.575 (4) (a) 3. Every The department determines that, if the city, village, or town that contracts for to receive fire protection and fire prevention services that comply with s. 101.14 (2) from another city, village or town is entitled to the dues specified in par. (a) if the department determines that the, each contract other than a mutual aid agreement is sufficient to allow each fire department furnishing the
protection can provide the agreed that provides fire protection and fire prevention
services to do so without endangering property within its own limits and the fire
prevention services comply with s. 101.14 (2) the fire department’s own territory.

SECTION 2500. 101.575 (1) (c) of the statutes is repealed.

SECTION 2501. 101.575 (2) of the statutes is renumbered 101.577.

SECTION 2502. 101.575 (3) (intro.) of the statutes is repealed.

SECTION 2503. 101.575 (3) (a) (intro.) of the statutes is repealed.

SECTION 2504. 101.575 (3) (a) 1. of the statutes is renumbered 101.575 (4) (a)
5. and amended to read:

101.575 (4) (a) 5. Is The city, village, or town receives services from a fire
department that is organized to provide continuous fire protection in that city,
village, or town and has a designated chief.

SECTION 2505. 101.575 (3) (a) 2. of the statutes is renumbered 101.575 (4) (a)
6. and amended to read:

101.575 (4) (a) 6. Singly The city, village, or town receives services from a fire
department that singly, or in combination with another fire department under a
contract or mutual aid agreement, can ensure the response of at least 4 fire fighters,
none of whom is the chief, to a first alarm for a building.

SECTION 2506. 101.575 (3) (a) 3. of the statutes is renumbered 101.575 (4) (a)
7. and amended to read:

101.575 (4) (a) 7. Provides The city, village, or town receives services from a fire
department that provides a training program, as prescribed by rule of the
department by rule, to fire fighters and inspectors who provide fire suppression
services, fire prevention inspections, or public education with regard to fire safety.
**SECTION 2507.** 101.575 (3) (a) 4. of the statutes is renumbered 101.575 (4) (a) 8. and amended to read:

101.575 (4) (a) 8. Provides The city, village, or town receives services from a fire department that provides facilities capable, without delay, of receiving an alarm and dispatching fire fighters and apparatus.

**SECTION 2508.** 101.575 (3) (b) of the statutes is renumbered 101.575 (4) (a) 9. and amended to read:

101.575 (4) (a) 9. Each The city, village, or town eligible for dues under this section shall maintain either a voluntary maintains or contracts with a volunteer fire department that has sufficient personnel ready for service at all times and that holds a meeting at least once each month, or with a paid or partly paid fire department with sufficient personnel ready for service at all times.

**SECTION 2509.** 101.575 (4) (title) of the statutes is created to read:

101.575 (4) (title) Eligibility; Withheld Payments.

**SECTION 2510.** 101.575 (4) (a) of the statutes is amended to read:

101.575 (4) (a) The department may not pay any fire department dues for any year to Except as provided in sub. (7), a city, village, or town or fire department unless is eligible to receive fire department dues only if all of the following conditions are satisfied:

1. The department determines that the city, village, or town or fire department has complied with sub. (6) this section and s. 101.14 (2), except that, for the purposes of making this determination, only 95% of the inspections required under s. 101.14 (2) need be provided for in the city, village, or town.

2. The city, village, or town has submitted a submits an audit form which is, provided by the department and signed by the clerk of the city, village, or town and
by the chief of each fire department providing fire protection and fire prevention services to that city, village, or town, which is provided by the department by rule and which certifies certifying that the fire department has complied with city, village, or town satisfies the requirements of this section or the department has audited the city, village, town or fire department and determined that it complies with sub. (6) and s. 101.14 (2), except that, for the purposes of this subdivision, the audit form shall certify that at least 95% of the inspections required under s. 101.14 (2) were provided for in the city, village, or town.

SECTION 2511. 101.575 (4) (am) of the statutes is created to read:

101.575 (4) (am) If a city, village, or town receives fire protection and fire prevention services under a contract other than or in addition to a mutual aid agreement, both municipalities may receive fire department dues if otherwise eligible.

SECTION 2512. 101.575 (5) of the statutes is renumbered 101.575 (4) (a) 4. and amended to read:

101.575 (4) (a) 4. No The department determines that, if the city, village, or town which has contracted with another city, village or town or any part thereof for contracts to receive fire protection may be paid any fire department dues unless the contract or and fire prevention services, all contracts, exclusive of any mutual aid agreements, together are sufficient to provide fire protection to the entire city, village, or town for which the fire protection service is and fire prevention services are being provided.

SECTION 2513. 101.575 (6) (title) of the statutes is created to read:

101.575 (6) (title) USE OF FIRE DEPARTMENT DUES.

SECTION 2514. 101.575 (6) (a) (intro.) of the statutes is amended to read:
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101.575 (6) (a) (intro.) No city, village, or town maintaining a fire department under this section may use any fire department dues received under s. 101.573 and this section for any purpose except the direct provision of the following:

SECTION 2515. 101.575 (6) (b) of the statutes is amended to read:

101.575 (6) (b) Any city, village, or town that contracts for receives fire protection services and fire prevention services under a contract other than or in addition to a mutual aid agreement shall give all fire department dues received under s. 101.573 and this section to the fire department providing the fire protection service and fire prevention services under the contract. That fire department shall use those fire department dues for any of the purposes specified in par. (a) 1. to 4.

SECTION 2516. 101.577 (title) of the statutes is created to read:

101.577 (title) Liability of city or village for fire department services outside of boundaries.

SECTION 2517. 101.63 (3) of the statutes is repealed.

SECTION 2518. 101.64 (9) of the statutes is created to read:

101.64 (9) Contract with any person to provide inspection services, or may provide inspection services directly, in any city, village, town, or county that requires the services pursuant to s. 101.65 (2) or in which the department is required or authorized to provide the services under s. 101.651 (3) or (3m) (a).

SECTION 2519. 101.73 (3) of the statutes is amended to read:

101.73 (3) Provide for examination of plans and specifications and in–plant inspections when contracted for by the manufacturer under s. 101.75 (1) and shall contract to provide on–site inspection services for the installation of manufactured buildings for dwellings, at municipal expense, for any municipality which requires such service under s. 101.76 or 101.761.
SECTION 2520. 101.74 (8) of the statutes is created to read:

101.74 (8) Contract with any person to provide inspection services, or may provide inspection services directly, in any city, village, town, or county which requires the services pursuant to s. 101.76 (2) or in which the department is required or authorized to provide the services under s. 101.761 (3).

SECTION 2521. 101.76 (1) (a) of the statutes is amended to read:

101.76 (1) (a) With the approval of the department, exercise jurisdiction over the installation of manufactured buildings for dwellings by passage of ordinances, provided such ordinances are in strict conformance with this subchapter and the on-site inspection is performed by persons certified by the department. Except as provided by s. 101.761, a county ordinance shall apply in any city, village or town which has not enacted such ordinance.

SECTION 2522. 101.761 (title) of the statutes is amended to read:

101.761 (title) Certain municipalities excepted exempted.

SECTION 2523. 101.761 (1) (title) of the statutes is created to read:

101.761 (1) (title) DEFINITION.

SECTION 2524. 101.761 (2) of the statutes is repealed.

SECTION 2525. 101.761 (2m) of the statutes is created to read:

101.761 (2m) EXEMPTION BY RESOLUTION. A municipality shall exercise jurisdiction over the installation of manufactured buildings for dwellings by enacting ordinances under s. 101.76 (1) (a) or shall exercise the jurisdiction granted under s. 101.76 (1) (a) jointly under s. 101.76 (1) (b), unless any of the following conditions are met:

(a) The municipality adopts a resolution requesting under sub. (3) (a) that a county enforce this subchapter or an ordinance enacted under s. 101.76 (1) (a)
throughout the municipality and that a county provide inspection services in the
municipality to administer and enforce this subchapter or an ordinance enacted
under s. 101.76 (1) (a).

(b) The municipality adopts a resolution determining not to exercise
jurisdiction over the installation of manufactured buildings for dwellings under s.
101.76 (1) (a), not to exercise jurisdiction jointly under s. 101.76 (1) (b), not to request
under sub. (3) (a) that a county enforce this subchapter or an ordinance enacted
under s. 101.76 (1) (a) throughout the municipality and not to request under sub. (3)
(a) that a county provide inspection services in the municipality to administer and
enforce this subchapter or an ordinance enacted under s. 101.76 (1) (a).

(c) Under sub. (3) (b), the department enforces this subchapter or an ordinance
enacted under s. 101.76 (1) (a) throughout the municipality and provides inspection
services in the municipality to administer and enforce this subchapter or an
ordinance enacted under s. 101.76 (1) (a).

SECTION 2526. 101.761 (3) (title) of the statutes is created to read:

101.761 (3) (title)  DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES;

GENERALLY.

SECTION 2527. 101.761 (3) of the statutes is renumbered 101.761 (3) (a) and
amended to read:

101.761 (3) (a) The Except as provided in par. (b), the department or a county
may not enforce this subchapter or an ordinance adopted under s. 101.76 (1) (a) or
provide inspection services in a municipality unless requested to do so by a person
with respect to a particular manufactured building or by the municipality. A request
by a person or a municipality with respect to a particular manufactured building
does not give the department or a county authority with respect to any other
manufactured building. Costs shall be collected under s. 101.76 (1) (c) or ss. 101.73 (12) and 101.76 (2) from the person or municipality making the request.

SECTION 2528. 101.761 (3) (b) of the statutes is created to read:

101.761 (3) (b) The department shall provide inspection services and shall enforce this subchapter or an ordinance enacted under s. 101.76 (1) (a) throughout any municipality that does not exercise jurisdiction under sub. (2m) and that has not adopted a resolution under sub. (2m) (a) or (b).

SECTION 2529. 101.761 (4) (title) of the statutes is created to read:

101.761 (4) (title) Data relating to housing starts in municipalities.

SECTION 2530. 101.761 (5) (title) of the statutes is created to read:

101.761 (5) (title) Effect of section on certain laws.

SECTION 2531. 101.761 (6) (title) of the statutes is created to read:


SECTION 2532. Subchapter V (title) of chapter 101 [precedes 101.91] of the statutes is amended to read:

CHAPTER 101

SUBCHAPTER V

MANUFACTURED HOMES AND MOBILE HOMES;

REGULATION OF MANUFACTURERS

SECTION 2533. 101.91 (2b) of the statutes is renumbered 101.91 (3).

SECTION 2534. 101.91 (2d) of the statutes is renumbered 101.91 (4).

SECTION 2535. 101.91 (2f) of the statutes is renumbered 101.91 (5m).

SECTION 2536. 101.91 (2h) of the statutes is renumbered 101.91 (9).

SECTION 2537. 101.91 (2k) of the statutes is renumbered 101.91 (10).

SECTION 2538. 101.91 (5) of the statutes is renumbered 101.91 (11).
SECTION 2539. 101.91 (6) of the statutes is renumbered 101.91 (12).

SECTION 2540. 101.93 (title) of the statutes is repealed and recreated to read:

101.93 (title) Plumbing in manufactured homes.

SECTION 2541. 101.937 (title) of the statutes is created to read:

101.937 (title) Water and sewer service to manufactured home parks.

SECTION 2542. 101.937 (6) (title) of the statutes is created to read:

101.937 (6) (title) Payment of department's expenditures.

SECTION 2543. 101.937 (6) (b) to (g) of the statutes are created to read:

101.937 (6) (b) If any manufactured home park operator is billed under par. (a) and fails to pay the bill within 30 days or fails to file objections to the bill with the department, as provided in this paragraph, the department shall transmit to the state treasurer a certified copy of the bill, together with notice of failure to pay the bill, and on the same day the department shall mail by registered mail to the manufactured home park operator a copy of the notice that the department has transmitted to the state treasurer. Within 10 days after receipt of the notice and certified copy of the bill, the state treasurer shall levy the amount stated on the bill to be due, with interest, by distress and sale of any property, including stocks, securities, bank accounts, evidences of debt, and accounts receivable belonging to the delinquent manufactured home park operator. The levy by distress and sale shall be governed by s. 74.10, 1985 stats., except that it shall be made by the state treasurer and that goods and chattels anywhere within the state may be levied upon.

(c) 1. Within 30 days after the date of the mailing of any bill under par. (a), the manufactured home park operator that has been billed may file with the department objections setting out in detail the grounds upon which the objector regards the bill to be excessive, erroneous, unlawful, or invalid. The department, after notice to the
objector, shall hold a hearing upon the objections, from 5 to 10 days after providing
the notice. If after the hearing the department finds any part of the bill to be
excessive, erroneous, unlawful, or invalid, the department shall record its findings
upon its minutes and transmit to the objector by registered mail an amended bill, in
accordance with the findings. The amended bill shall have the same force and effect
as an original bill rendered under par. (a).

2. If after a hearing under subd. 1. the department finds the entire bill unlawful
or invalid, the department shall notify the objector by registered mail of the
determination, in which case the original bill shall be deemed null and void.

3. If after a hearing under subd. 1. the department finds that the bill as
rendered is not excessive, erroneous, unlawful, or invalid, either in whole or in part,
the department shall record the findings upon its minutes, and transmit to the
objector by registered mail notice of the findings.

4. If any bill against which objections have been filed is not paid within 10 days
after notice of a finding that the objections have been overruled and disallowed by
the department has been mailed to the objector as provided in this paragraph, the
department shall give notice of the delinquency to the state treasurer and to the
objector, in the manner provided in par. (b). The state treasurer shall then proceed
to collect the amount of the delinquent bill as provided in par. (b). If an amended bill
is not paid within 10 days after a copy of the amended bill is mailed to the objector
by registered mail, the department shall notify the state treasurer and the objector
as in the case of delinquency in the payment of an original bill. The state treasurer
shall then proceed to collect the amount of the amended bill as provided in the case
of an original bill.
(d) No suit or proceeding may be maintained in any court to restrain or delay the collection or payment of any bill rendered under par. (a). Every manufactured home park operator that is billed shall pay the amount of the bill and after payment may in the manner provided under this subsection, at any time within 2 years from the date the payment was made, sue the state to recover the amount paid plus interest from the date of payment, upon the ground that the assessment was excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that any part of the bill for which payment was made was excessive, erroneous, unlawful, or invalid, the state treasurer shall make a refund to the claimant as directed by the court. The refund shall be charged to the appropriations to the department.

(e) No action for recovery of any amount paid pursuant to this subsection shall be maintained in any court unless objections have been filed with the department as provided under this subsection. In any action for recovery of any payments made under this subsection the claimant shall be entitled to raise every relevant issue of law, but the department’s findings of fact made pursuant to this subsection shall be prima facie evidence of the facts therein stated.

(f) Each of the following shall be deemed to be findings of fact of the department, within the meaning of this subsection:

1. Determinations of fact expressed in bills rendered pursuant to this subsection.

2. Determinations of fact set out in those minutes of the department that record the action of the department in passing upon the bills and in passing upon objections thereto.
(g) The procedure under this subsection providing for determining the lawfulness of bills and the recovery back of payments made pursuant to the bills shall be exclusive of all other remedies and procedures.

**SECTION 2544.** 102.07 (9) of the statutes is amended to read:

102.07 (9) Members of the national guard, the naval militia, and state defense force, when on state active duty under direction of appropriate authority, but only in case federal laws, rules or regulations provide no benefits substantially equivalent to those provided in this chapter.

**SECTION 2545.** 102.475 (1) of the statutes is amended to read:

102.475 (1) SPECIAL BENEFIT. If the deceased employee is a law enforcement officer, correctional officer, fire fighter, rescue squad member, diving team member, national guard member, naval militia member, or state defense force member on state active duty as described in s. 102.07 (9) or if a deceased person is an employee or volunteer performing emergency management activities under ch. 166 during a state of emergency or a circumstance described in s. 166.04, who sustained an accidental injury while performing services growing out of and incidental to that employment or volunteer activity so that benefits are payable under s. 102.46 or 102.47 (1), the department shall voucher and pay from the appropriation under s. 20.445 (1) (aa) a sum equal to 75% of the primary death benefit as of the date of death, but not less than $50,000 to the persons wholly dependent upon the deceased. For purposes of this subsection, dependency shall be determined under ss. 102.49 and 102.51.

**SECTION 2546.** 102.85 (5) (a) of the statutes is amended to read:

102.85 (5) (a) The payment of any judgment under this section may be suspended or deferred for not more than 90 days in the discretion of the court. The
court shall suspend a judgment under this section upon the motion of the
department, if the department is satisfied that the employer’s violation of s. 102.16
(3) or 102.28 (2) was beyond the employer’s control and that the employer no longer
violates s. 102.16 (3) or 102.28 (2). In cases where a deposit has been made, any
forfeitures, penalty assessments, law enforcement training fund assessments, jail
assessments, uninsured employer assessments, and costs shall be taken out of the
deposit and the balance, if any, returned to the employer.

SECTION 2547. 102.87 (2) (e) of the statutes is amended to read:

102.87 (2) (e) The maximum forfeiture, penalty assessment, law enforcement
training fund assessment, jail assessment, crime laboratories and drug law
enforcement assessment, and any applicable uninsured employer assessment for
which the defendant is liable.

SECTION 2548. 102.87 (2) (g) of the statutes is amended to read:

102.87 (2) (g) Notice that if the defendant makes a deposit and fails to appear
in court at the time specified in the citation, the failure to appear will be considered
tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
enforcement training fund assessment, jail assessment, crime laboratories and drug
law enforcement assessment, and any applicable uninsured employer assessment
plus costs not to exceed the amount of the deposit. The notice shall also state that
the court, instead of accepting the deposit and plea, may decide to summon the
defendant or may issue an arrest warrant for the defendant upon failure to respond
to a summons.

SECTION 2549. 102.87 (2) (h) of the statutes is amended to read:

102.87 (2) (h) Notice that if the defendant makes a deposit and signs the
stipulation, the stipulation will be treated as a plea of no contest and submission to
a forfeiture, penalty assessment, law enforcement training fund assessment, jail
assessment, crime laboratories and drug law enforcement assessment, and any
applicable uninsured employer assessment plus costs not to exceed the amount of the
deposit. The notice shall also state that the court, instead of accepting the deposit
and stipulation, may decide to summon the defendant or issue an arrest warrant for
the defendant upon failure to respond to a summons, and that the defendant may,
at any time before or at the time of the court appearance date, move the court for
relief from the effect of the stipulation.

SECTION 2550. 102.87 (3) of the statutes is amended to read:

102.87 (3) A defendant issued a citation under this section may deposit the
amount of money that the issuing department deputy or officer directs by mailing or
delivering the deposit and a copy of the citation before the court appearance date to
the clerk of the circuit court in the county where the violation occurred, to the
department, or to the sheriff’s office or police headquarters of the officer who issued
the citation. The basic amount of the deposit shall be determined under a deposit
schedule established by the judicial conference. The judicial conference shall
annually review and revise the schedule. In addition to the basic amount determined
by the schedule the deposit shall include the penalty assessment, law enforcement
training fund assessment, jail assessment, crime laboratories and drug law
enforcement assessment, any applicable uninsured employer assessment, and costs.

SECTION 2551. 102.87 (4) of the statutes is amended to read:

102.87 (4) A defendant may make a stipulation of no contest by submitting a
deposit and a stipulation in the manner provided by sub. (3) before the court
appearance date. The signed stipulation is a plea of no contest and submission to a
forfeiture plus the penalty assessment, law enforcement training fund assessment,
1 jail assessment, crime laboratories and drug law enforcement assessment, any
2 applicable uninsured employers assessment, and costs not to exceed the amount of
3 the deposit.

SECTION 2552. 102.87 (5) of the statutes is amended to read:

102.87 (5) Except as provided by sub. (6), a person receiving a deposit shall
prepare a receipt in triplicate showing the purpose for which the deposit is made,
stating that the defendant may inquire at the office of the clerk of the circuit court
regarding the disposition of the deposit, and notifying the defendant that if he or she
fails to appear in court at the time specified in the citation he or she shall be
considered to have tendered a plea of no contest and submitted to a forfeiture,
penalty assessment, law enforcement training fund assessment, jail assessment,
crime laboratories and drug law enforcement assessment, and any applicable
uninsured employer assessment plus costs not to exceed the amount of the deposit
and that the court may accept the plea. The original of the receipt shall be delivered
to the defendant in person or by mail. If the defendant pays by check, the canceled
check is the receipt.

SECTION 2553. 102.87 (6) of the statutes is amended to read:

102.87 (6) The person receiving a deposit and stipulation of no contest shall
prepare a receipt in triplicate showing the purpose for which the deposit is made,
stating that the defendant may inquire at the office of the clerk of the circuit court
regarding the disposition of the deposit, and notifying the defendant that if the
stipulation of no contest is accepted by the court the defendant will be considered to
have submitted to a forfeiture, penalty assessment, law enforcement training fund
assessment, jail assessment, crime laboratories and drug law enforcement
assessment, and applicable uninsured employer assessment plus costs not to exceed
the amount of the deposit. Delivery of the receipt shall be made in the same manner as provided in sub. (5).

**SECTION 2554.** 102.87 (7) (b) of the statutes is amended to read:

102.87 (7) (b) If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, and any applicable uninsured employer assessment plus costs not to exceed the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may, within 90 days after the date set for appearance, move to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a defendant is relieved from the plea of no contest, the court may order a written complaint or petition to be filed. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant’s deposit returned.

**SECTION 2555.** 102.87 (7) (c) of the statutes is amended to read:

102.87 (7) (c) If the defendant has made a deposit and stipulation of no contest, the citation serves as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, and any applicable uninsured employer assessment.
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assessment plus costs not to exceed the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons or an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time before or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects of the stipulation.

SECTION 2556. 102.87 (9) of the statutes is amended to read:

102.87 (9) A department deputy or an officer who collects a forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, applicable uninsured employer assessment, and costs under this section shall pay the money to the county treasurer within 20 days after its receipt. If the department deputy or officer fails to make timely payment, the county treasurer may collect the payment from the department deputy or officer by an action in the treasurer’s name of office and upon the official bond of the department deputy or officer, with interest at the rate of 12% per year from the time when it should have been paid.

SECTION 2557. 103.49 (1) (f) of the statutes is amended to read:

103.49 (1) (f) “State agency” means any office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, including the legislature and the courts. “State agency” also includes the University of Wisconsin Hospitals and Clinics Authority and the Fox River Navigational System Authority.

SECTION 2558. 103.49 (2) of the statutes is amended to read:
103.49 (2) Prevailing wage rates and hours of labor. Any contract hereafter made for the erection, construction, remodeling, repairing, or demolition of any project of public works, except contracts for the construction or maintenance of public highways, streets, and bridges, to which the state, or any state agency, or the University of Wisconsin Hospitals and Clinics Authority is a party shall contain a stipulation that no person performing the work described in sub. (2m) may be permitted to work a greater number of hours per day or per week than the prevailing hours of labor, except that any such person may be permitted or required to work more than such prevailing hours of labor per day and per week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the prevailing wage rate determined under sub. (3) in the same or most similar trade or occupation in the area wherein such project of public works is situated. A reference to the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be published in the notice issued for the purpose of securing bids for the project. If any contract or subcontract for a project that is subject to this section is entered into, the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract, except that for a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

**Section 2559.** 103.49 (7) (a) of the statutes is amended to read:
103.49 (7) (a) Except as provided under pars. (b) and (c), the department shall distribute to all state agencies and to the University of Wisconsin Hospitals and Clinics Authority a list of all persons whom the department has found to have failed to pay the prevailing wage rate determined under sub. (3) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor at any time in the preceding 3 years. The department shall include with any name the address of the person and shall specify when the person failed to pay the prevailing wage rate and when the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. A state agency or the University of Wisconsin Hospitals and Clinics Authority may not award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.

Section 2560. 103.805 (1) of the statutes is amended to read:

103.805 (1) The department or a permit officer shall fix and collect a reasonable fee based on the cost of issuance of permits under ss. 103.25 and 103.71 and certificates of age under s. 103.75. The department may authorize the retention of the fees by the person designated to issue permits and certificates of age as compensation for the person’s services if the person who is not on the payroll of the division administering this chapter may retain $2.50 of that fee as compensation for the person’s services and shall forward $5 of that fee to the department, which shall deposit that amount forwarded in the general fund and credit $2.50 of that amount forwarded to the appropriation account under s. 20.445 (1) (j). A person designated to issue permits and certificates of age who is
on the payroll of the division administering this chapter shall forward that fee to the
department, which shall deposit that fee in the general fund and credit $2.50 of that
fee to the appropriation account under s. 20.445 (1) (j). The permit officer shall
account for all fees collected as the department prescribes.

SECTION 2561. 106.12 (2) of the statutes is amended to read:

106.12 (2) EMPLOYMENT AND EDUCATION PROGRAM ADMINISTRATION. The board
shall plan, coordinate, administer, and implement the youth apprenticeship,
school-to-work and, work-based learning, and career counseling center programs
under s. 106.13 (1) and such other employment and education programs as the
governor may by executive order assign to the board. Notwithstanding any
limitations placed on the use of state employment and education funds under this
section or s. 106.13 or under an executive order assigning an employment and
education program to the board, the board may issue a general or special order
waiving any of those limitations on finding that the waiver will promote the
coordination of employment and education services.

SECTION 2562. 106.12 (4) of the statutes is created to read:

106.12 (4) PUBLICATIONS AND SEMINARS. The board may provide publications
and seminars relating to the employment and education programs administered by
the board and may establish a schedule of fees for those publications and seminars.
Fees established under this subsection for publications and seminars provided by the
board may not exceed the actual cost incurred in providing those publications and
seminars. The fees collected under this subsection shall be credited to the
appropriation account under s. 20.445 (7) (ga).

SECTION 2563. 106.13 (1) (d) of the statutes is created to read:
106.13 (1) (d) Career counseling centers at which youths may receive the
services specified in sub. (4r).

**SECTION 2564.** 106.13 (3m) (a) of the statutes is amended to read:

106.13 (3m) (a) In this subsection, “local partnership” means one or more
school districts, or any combination of one or more school districts, other public
agencies, as defined in sub. (4) (a) 2., nonprofit organizations, as defined in sub. (4)
(a) 1r., individuals or other persons, who have agreed to be responsible for
implementing and coordinating a local youth apprenticeship program.

**SECTION 2565.** 106.13 (4) (a) 1. of the statutes is renumbered 106.13 (4) (a) 1r.

**SECTION 2566.** 106.13 (4) (a) 1d. of the statutes is created to read:

106.13 (4) (a) 1d. “Eligible employer” means an employer that is eligible to
receive a grant under this subsection according to the criteria established by the
board under par. (d).

**SECTION 2567.** 106.13 (4) (b) of the statutes is amended to read:

106.13 (4) (b) From the appropriation under s. 20.445 (7) (em), the board may
award a grant to a public agency or a nonprofit organization, or to an eligible
employer that is responsible for the on-the-job training and supervision of a youth
apprentice. A public agency or non-profit nonprofit organization that receives a
grant under this subsection shall use the funds awarded under the grant to award
training grants to eligible employers that provide on-the-job training and
supervision for youth apprentices. Subject to par. (c), a training grant provided
under this subsection may be awarded to an eligible employer for each youth
apprentice who receives at least 180 hours of paid on-the-job training from the
eligible employer during a school year, as defined in s. 115.001 (13). The amount of
a training grant may not exceed $500 per youth apprentice per school year. A
training grant may not be awarded for any specific youth apprentice for more than 2 school years.

**SECTION 2568.** 106.13 (4) (c) of the statutes is amended to read:

106.13 (4) (c) Notwithstanding par. (b), the board may award a training grant under this subsection to an eligible employer that provides less than 180 hours of paid on-the-job training for a youth apprentice during a school year, as defined in s. 115.001 (13), if the board determines that it would be beneficial for the youth apprentice to receive on-the-job training from more than one eligible employer.

**SECTION 2569.** 106.13 (4) (d) of the statutes is created to read:

106.13 (4) (d) The board shall establish eligibility criteria for a grant under this subsection. That criteria shall specify that eligibility for a grant shall be limited to small employers, as determined by the board, and to employers providing on-the-job training in employment areas determined by the board. Notwithstanding sub. (5), those criteria need not be promulgated as rules.

**SECTION 2570.** 106.14 (1) of the statutes is renumbered 106.14 and amended to read:

106.14 **Job centers and career counseling centers.** The department shall provide a job center network throughout the state through which job seekers may receive comprehensive career planning, job placement, and job training information. As part of the job center network, the department shall provide career counseling centers at which youths may receive the services specified in sub. (2).

**SECTION 2571.** 106.14 (2) of the statutes is renumbered 106.13 (4r) and amended to read:

106.13 (4r) (a) A career counseling center under this section sub. (1) (d) shall provide youths with access to comprehensive career education and job training
information, including information regarding postsecondary educational options in vocational and technical educational programs. A career counseling center under this section sub. (1) (d) may also assist youths in locating apprenticeship and other work experience opportunities that are related to the youth’s education.

(b) A career counseling center under this section sub. (1) (d) shall coordinate its services with the counseling and guidance activities and the education for employment program under s. 121.02 (1) (m) provided by the school board of the school district in which the career counseling center is located.

Section 2572. 106.21 (1) (g) of the statutes is amended to read:

106.21 (1) (g) “Public assistance” means relief provided by counties under s. 59.53 (21), Wisconsin works under ss. 49.141 to 49.161, aid to families with dependent children under s. 49.19, medical assistance under subch. IV of ch. 49, low-income energy assistance under s. 16.385, weatherization assistance under s. 16.39, and the food stamp program under 7 USC 2011 to 2029.

Section 2573. 106.21 (5) (a) of the statutes is amended to read:

106.21 (5) (a) Community services activities; appropriations. Moneys appropriated under s. 20.445 (1) (cm), (jr) and (km) (6) (bm, (j), and (k) may be used for community services activities as authorized under those appropriations.

Section 2574. 106.215 (1) (a) of the statutes is renumbered 106.215 (1) (cd) and amended to read:


Section 2575. 106.215 (1) (e) of the statutes is amended to read:

106.215 (1) (e) “Local unit of government” means the governing body of any city, town, village, county, county utility district, town sanitary district, public inland lake
protection and rehabilitation district, metropolitan sewerage district or school district, the Fox-Winnebago regional management commission or the elected tribal governing body of a federally recognized American Indian tribe or band.

**SECTION 2576.** 106.215 (2) (intro.) of the statutes is amended to read:

106.215 (2) **OBJECTIVES.** (intro.) The board department shall develop guidelines for the Wisconsin conservation corps program. The council shall advise the department in developing those guidelines. Those guidelines shall be designed to promote the objectives of:

**SECTION 2577.** 106.215 (3) of the statutes is amended to read:

106.215 (3) **PROGRAM RESPONSIBILITY AND COORDINATION.** The board is the policy-making body department is responsible for the administration of the Wisconsin conservation corps program and shall establish guidelines for this program. The board may delegate. That responsibility shall include responsibility for administration, implementation of projects, corps enrollee employment and supervision, project coordination, and other details of the program to the executive secretary or other staff of the board. The department shall assist the board in payroll, accounting and related management functions.

**SECTION 2578.** 106.215 (3m) of the statutes is amended to read:

106.215 (3m) **REPORTING REQUIREMENT FOR DONATIONS.** The board department shall submit an annual report to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) that identifies, for each gift, grant, or bequest credited under s. 20.445 (6) (jb), the name of the individual or organization making it and the amount of and the manner in which it is utilized.

**SECTION 2579.** 106.215 (4) (title) of the statutes is repealed.

**SECTION 2580.** 106.215 (4) (a) of the statutes is repealed.
SECTION 2581. 106.215 (4) (b) of the statutes is renumbered 106.215 (4m) and amended to read:

106.215 (4m) STAFF. The board department shall employ staff within the classified service which is as necessary to administer the Wisconsin conservation corps program, including staff to coordinate, supervise, and implement projects, to recruit and train corps enrollees, and to provide administrative, typing, and clerical services. The department shall provide also employ staff within the classified service which is as necessary to provide for payroll, accounting, and related management functions associated with the Wisconsin conservation corps program.

SECTION 2582. 106.215 (5) (a) of the statutes is amended to read:

106.215 (5) (a) Eligible sponsors. The federal government, a state agency, local unit of government, or nonprofit organization may apply to the board department for approval of a project.

SECTION 2583. 106.215 (5) (d) of the statutes is amended to read:

106.215 (5) (d) Local government sponsors. The board and department shall encourage local units of government to apply for the approval of projects and shall provide assistance and information to facilitate these applications.

SECTION 2584. 106.215 (5) (e) of the statutes is amended to read:

106.215 (5) (e) Not to involve labor dispute or displace other employees. No project may be approved by the board department if corps enrollees will be used in any manner in connection with a work or labor dispute or if approval of the project would impair existing contracts or collective bargaining agreements with existing employees of the sponsor. No project may be approved by the board department if corps enrollees will be used to displace existing permanent employees of the sponsor, including any employees who have been temporarily laid off by the sponsor.
SECTION 2585. 106.215 (6) (intro.) of the statutes is amended to read:

106.215 (6) GUIDELINES FOR PROJECT APPROVAL. (intro.) The board department shall establish guidelines to be used in selecting projects for approval. These The council shall advise the department in establishing those guidelines. Those guidelines shall include:

SECTION 2586. 106.215 (7) (c) of the statutes is amended to read:

106.215 (7) (c) Conservation fund appropriation. Notwithstanding par. (a), moneys appropriated under s. 20.445 (6) (u) that are not derived from the forestation state tax under s. 70.58 may be utilized for any project approved by the board department regardless of whether the project consists in whole or in part of conservation activities.

SECTION 2587. 106.215 (8) of the statutes is amended to read:

106.215 (8) ADMINISTRATION; PROJECT APPROVAL; WORK PLANS; IMPLEMENTATION; ENROLLEE SUPERVISION. (a) Guidelines for administration. The board department shall provide guidelines for administration of the Wisconsin conservation corps program. The council shall advise the department in providing those guidelines.

(b) Administration. The Wisconsin conservation corps program shall be administered according to guidelines provided by the board department.

(c) Administrative expenses; appropriations; reallocation. Moneys appropriated under s. 20.445 (6) (ja), (n), or (y) may be utilized for the payment of administrative expenses related to the Wisconsin conservation corps program as authorized under those appropriations. If the board department determines that these appropriations are not sufficient, it the department may request the joint committee on finance to take action under s. 13.101 (4) to transfer moneys from the
appropriation account under s. 20.445 (6) (j), (m), or (u) to the appropriation account under s. 20.445 (6) (ja), (n), or (y).

(d) Approval. Except as provided in sub. (8g), projects shall be selected and approved by the board department based on guidelines established under sub. (6).

(e) Complete project cost estimate. Prior to approval of a project, the executive secretary department shall prepare and submit to the board a complete project cost estimate. This estimate shall include a summary of all anticipated costs resulting from the implementation of the project.

(f) Detailed work plan. Prior to approval of a project, the executive secretary department shall prepare and submit to the board a detailed work plan specifying the nature, scope, and duration of the project; the number of corps enrollees; training, supervisory, administrative, and other service requirements; supply, fuel, tool, equipment, safety equipment, and other material requirements; time schedules; and other details relating to the implementation of the project.

(g) Responsibility agreement. Prior to approval of a project, the executive secretary department shall prepare and submit to the board a responsibility agreement which incorporates the complete project cost estimate and detailed work plan and specifies in detail the responsibilities of the sponsor and the board department with respect to the project.

(i) Signing of responsibility agreement. A project is not authorized and may not be implemented until the sponsor and the board department sign the responsibility agreement.

(j) Implementation. Except as provided in a responsibility agreement, the board department is responsible for the implementation of an authorized project.
The board department may delegate to a sponsor responsibility for implementing various aspects of a project in the responsibility agreement.

(k) Enrollee supervision. 1. The board department is responsible for the overall supervision and control of corps enrollees.

2. The board department may delegate to a sponsor responsibility for enrollee recruitment, training, and supervision and for administrative services to be provided for a project in the responsibility agreement.

(L) Project coordination. The board department is responsible for the coordination of work activities related to various projects in the same area.

SECTION 2588. 106.215 (8g) (a) of the statutes is amended to read:

106.215 (8g) (a) If a sponsor pays for the total cost of a project, the board department may select and approve a project without using the guidelines established under sub. (6).

SECTION 2589. 106.215 (8m) of the statutes is amended to read:

106.215 (8m) ADMINISTRATIVE PROJECT. In addition to the projects authorized under this section, the board department may approve one project that provides employment for corps enrollees in an administrative work or training project sponsored by the Wisconsin conservation corps. Subsections (5) (a) to (d), (6)\textsubscript{1}, and (8) (d), (g) to (j)\textsubscript{1}, and (k) 1. do not apply to a project approved under this subsection.

SECTION 2590. 106.215 (9) of the statutes is amended to read:

106.215 (9) WORK CAMPS; TRAINING. (a) Work camps. If necessary for the implementation of a conservation project, the board department may establish or utilize residential facilities, but the board department may not use moneys appropriated under s. 20.445 (6) (u) or (y) for the establishment of new residential facilities.
(b) **Education and training.** The **board department** shall facilitate arrangements with local schools and institutions of higher education for academic study by corps enrollees to upgrade literacy skills, obtain equivalency diplomas or college degrees, or enhance employment skills. The **board department** shall encourage the development of training programs for corps enrollees for use during time periods when circumstances do not permit work on a project.

**SECTION 2591.** 106.215 (10) (a) of the statutes is amended to read:

106.215 (10) (a) **Authorization; classification.** The **board department** may employ corps enrollees. The **board department** shall classify these enrollees as corps members, assistant crew leaders, crew leaders, or regional crew leaders.

**SECTION 2592.** 106.215 (10) (fm) (intro.) of the statutes is amended to read:

106.215 (10) (fm) **Group health care coverage.** (intro.) The **board department** may provide group health care coverage, including group health care coverage offered by the state under s. 40.51, to any of the following:

**SECTION 2593.** 106.215 (10) (fm) 1. of the statutes is amended to read:

106.215 (10) (fm) 1. Corps enrollees who have been crew leaders, regional crew leaders or a combination thereof for at least 2 years 6 months.

**SECTION 2594.** 106.215 (10) (fm) 2. of the statutes is amended to read:

106.215 (10) (fm) 2. Crew leaders or regional crew leaders who are discharging special responsibilities, as determined by the **board department**.

**SECTION 2595.** 106.215 (10) (g) 1. of the statutes is amended to read:

106.215 (10) (g) 1. A person who is employed as a corps enrollee for a 6-month to one-year period of continuous employment, as determined by standards adopted by the **board department**, and who receives a satisfactory employment evaluation upon termination of employment is entitled to an incentive payment of $500 prorated
in the same proportion as the number of hours of employment completed by that
person bears to 2,080 hours.

**SECTION 2596.** 106.215 (10) (g) 1m. of the statutes is amended to read:

106.215 (10) (g) 1m. In lieu of the incentive payment under subd. 1., a person
who is employed as a corps enrollee for at least a 6-month period of continuous
employment, as determined by standards adopted by the board department, and who
receives a satisfactory employment evaluation is entitled to an education voucher
that is worth at least double the monetary value of the prorated incentive payment
under subd. 1., but not more than $2,800 prorated in the same proportion as the
number of hours of employment completed by that person bears to 2,080 hours.

**SECTION 2597.** 106.215 (10) (g) 2. of the statutes is amended to read:

106.215 (10) (g) 2. The board department may authorize a partial incentive
payment to a person who is employed as a corps enrollee and who receives a
satisfactory employment evaluation upon termination of employment if the person
is employed, as a corps enrollee for less than a one-year period of continuous
employment and the board department determines that employment was
terminated because of special circumstances beyond the control of the corps enrollee
or if the person is employed as a corps enrollee for at least 10 months but less than
a one-year period of continuous employment, and the board department determines
that employment was terminated in order to enable the person to attend an
institution of higher education, technical college, or other training program or to
enable the person to obtain other employment.

**SECTION 2598.** 106.215 (10) (g) 2m. of the statutes is amended to read:

106.215 (10) (g) 2m. In lieu of a partial incentive payment under subd. 2. the
board department may authorize a partial education voucher to a person who is
employed as a corps enrollee and who receives a satisfactory employment evaluation
upon termination of employment if the person is employed as a corps enrollee for less
than a 6-month period of continuous employment, and the board department
determines that employment was terminated because of special circumstances
beyond the control of the corps enrollee.

SECTION 2599. 106.215 (10) (g) 3. of the statutes is amended to read:
106.215 (10) (g) 3. The education voucher is valid for 3 4 years after the date
of issuance for the payment of tuition and required program activity fees at any
institution of higher education, as defined under s. 39.32 (1) (a), which in 20 USC
1002, that accepts the voucher, and the board department shall authorize payment
to the institution of face value of the voucher upon presentment.

SECTION 2600. 106.215 (10) (h) of the statutes is amended to read:
106.215 (10) (h) Helmets; footwear; safety equipment. The board department
shall provide each corps enrollee working on a conservation activity with a safety
helmet displaying a Wisconsin conservation corps emblem. The board department
shall require each corps enrollee to have adequate protective footwear, if needed for
the project, and may partially reimburse corps enrollees for the cost of obtaining this
footwear. The board department shall ensure that all other necessary safety
equipment is provided for each corps enrollee.

SECTION 2601. 106.215 (11) of the statutes is amended to read:
106.215 (11) QUALIFICATIONS AND REQUIREMENTS FOR CORPS ENROLLEES. (a) Age.
In order to qualify for employment as a corps member or an assistant crew leader,
a person is required to have attained the age of 18 years but may not have attained
the age of 26 years at the time he or she accepts employment. In order
to qualify for employment as a crew leader or a regional crew leader, a person is
required to have attained the age of 18 years at the time he or she the person accepts employment.

(b) Unemployed. **In order to** To qualify for employment as a corps member, a person is required to be unemployed at the time he or she the person applies for employment. **In order to** To qualify for employment as an assistant crew leader, a person is required to be either unemployed at the time he or she the person applies for employment or is required to be employed as a corps member. **In order to** To establish that a person is unemployed at the time of application for employment, the board department may require the person to be certified as unemployed by a local job service office.

(c) Enrollment period. **In order to** To qualify for employment as a corps enrollee, a person is required to sign a statement of intention to serve in the Wisconsin conservation corps program for a 6-month to one-year period. This statement does not obligate the board department to provide employment for the enrollee for that period.

(d) Training and skills. No training or skills are required in order to qualify for employment as a corps member. The board department shall establish minimum levels of performance, training, and skills required to qualify for employment as or promotion to assistant crew leader, crew leader, or regional crew leader. The council shall advise the department in establishing those minimum levels.

(e) Physical examination. No physical examination is required in order to apply for employment as a corps enrollee, but the board department may require a physical examination after a corps enrollee is employed. The board department may accept evidence of a physical examination conducted within one year prior to employment
as meeting such a requirement if the examining physician signs a form containing
the information required by the board department.

SECTION 2602. 106.215 (12) of the statutes is amended to read:

106.215 (12) SELECTION OF CORPS ENROLLEES. (a) Standards. The board
department shall establish standards for the selection of full-time and part-time
corps enrollees from among those persons who are qualified and seek employment.
The council shall advise the department in establishing those standards.

(am) Employment of certain persons. On and after January 1, 1988, the board
The department shall attempt to hire at least 50% of its corps members from among
those persons who are receiving public assistance at the time of application for
employment, who have received public assistance within one year of the time of
application for employment, or who are likely to be eligible for public assistance if
they do not obtain employment.

(b) Affirmative action plan. The board department shall adopt a statewide
affirmative action plan and shall comply with the requirements under s. 230.06 (1)
(g) to (k). The council shall advise the department in adopting that plan. The
standards established under par. (a) shall be consistent with this plan.

(c) Hiring procedure. The board department shall develop procedures for the
hiring of corps enrollees in cooperation with the department. The council shall
advise the department in developing those procedures. The board department shall
utilize any appropriate local job service office in the area of a project to distribute
applications, conduct interviews and evaluate applicants, and make
recommendations concerning the hiring of corps enrollees. The board department
may utilize project sponsors who are sponsoring long-term projects to conduct
interviews, evaluate applicants, and make recommendations concerning the hiring of corps enrollees.

**SECTION 2603.** 106.215 (13) of the statutes is amended to read:

106.215 (13) **Enrollment period; evaluation; promotion; discipline.** (a) *Enrollment period.* The board department may authorize the employment of a corps member who is not promoted to assistant crew leader beyond the 6-month to one-year enrollment period for a limited time, not to exceed one year, if the corps member has a disability. The normal enrollment period for a corps member who is promoted to assistant crew leader or for a person who is hired as assistant crew leader is 2 years. The board department may authorize the employment of a corps member or assistant crew leader beyond the normal enrollment period for a limited time, not to exceed 3 months, under special circumstances when continued employment is required in order to complete a project in progress. The normal enrollment period for a crew leader or a regional crew leader is 2 years. The board department may extend the employment of a crew leader beyond the normal enrollment period if the crew leader possesses special experience, training, or skills valuable to the program. The board department may extend the employment of a regional crew leader for an unlimited time.

(b) *Evaluation; promotion; discipline.* The board department shall establish standards and procedures to evaluate the performance, to determine promotions, for discipline, and for termination of employment of corps enrollees. The council shall advise the department in establishing those standards and procedures.

**SECTION 2604.** 108.07 (8) (b) of the statutes is amended to read:

108.07 (8) (b) If a claimant is a prisoner of a state prison, as defined listed in s. 302.01, and has employment with an employer other than the department of
corrections or a private business leasing space within a state prison under s. 303.01
(2) (em), and the claimant’s employment terminates because conditions of
incarceration or supervision make it impossible to continue the employment, the
department shall charge to the fund’s balancing account any benefits based on the
terminated employment that are otherwise chargeable to the account of an employer
that is subject to the contribution requirements under ss. 108.17 and 108.18.

**SECTION 2605.** 110.20 (6) (a) 1. of the statutes is amended to read:

110.20 (6) (a) 1. For a nonexempt vehicle required to be registered on an annual
or other periodic basis in this state, within 90 days the period of time specified by the
department under sub. (9) (d) prior to renewal of registration in the 2nd year after
the nonexempt vehicle’s model year and every 2 years thereafter, except as provided
in sub. (9) (j).

**SECTION 2606.** 110.20 (9) (d) of the statutes is amended to read:

110.20 (9) (d) Specify a period of time during which an emissions inspection
must be performed for a nonexempt vehicle subject to sub. (6) (a) 1. or 2.

**SECTION 2607.** 111.70 (1) (a) of the statutes is amended to read:

111.70 (1) (a) “Collective bargaining” means the performance of the mutual
obligation of a municipal employer, through its officers and agents, and the
representative of its municipal employees in a collective bargaining unit, to meet and
confer at reasonable times, in good faith, with the intention of reaching an
agreement, or to resolve questions arising under such an agreement, with respect to
wages, hours, and conditions of employment, and with respect to a requirement of
the municipal employer for a municipal employee to perform law enforcement and
fire fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s.
40.81 (3) and except that a municipal employer shall not meet and confer with respect
to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours, and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety, and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.

SECTION 2608. 111.70 (4) (cm) 8s. of the statutes is amended to read:

111.70 (4) (cm) 8s. ‘Forms for determining costs; determination of fringe benefits coverage.’ a. The commission shall prescribe forms for calculating the total increased cost to the municipal employer of compensation and fringe benefits provided to school district professional employees. The cost shall be determined based upon the total cost of compensation and fringe benefits provided to school district professional employees who are represented by a labor organization on the 90th day before expiration of any previous collective bargaining agreement between the parties, or who were so represented if the effective date is retroactive, or the 90th day prior to commencement of negotiations if there is no previous collective bargaining agreement between the parties, without regard to any change in the
number, rank or qualifications of the school district professional employees. For purposes of such determinations, any cost increase that is incurred on any day other than the beginning of the 12-month period commencing with the effective date of the agreement or any succeeding 12-month period commencing on the anniversary of that effective date shall be calculated as if the cost increase were incurred as of the beginning of the 12-month period beginning on the effective date or anniversary of the effective date in which the cost increase is incurred. In each collective bargaining unit to which subd. 5s. applies, the municipal employer shall transmit to the commission and the labor organization a completed form for calculating the total increased cost to the municipal employer of compensation and fringe benefits provided to the school district professional employees covered by the agreement as soon as possible after the effective date of the agreement.

**SECTION 2609.** 111.70 (4) (cm) 8s. b. of the statutes is created to read:

111.70 (4) (cm) 8s. b. For the purpose of determining whether fringe benefits provided to municipal employees are maintained by a municipal employer under a qualified economic offer, the commission shall consider substantially similar health care benefits to be identical to existing health care benefits. Rules promulgated by the office of the commissioner of insurance under s. 601.415 (13) shall be used to determine if the health care benefits are substantially similar.

**SECTION 2610.** 111.70 (4) (jm) 4. k. of the statutes is created to read:

111.70 (4) (jm) 4. k. Establish a system for conducting interrogations of members of the police department that is limited to the hours between 7 a.m. and 5 p.m. on working days, as defined in s. 227.01 (14), if the interrogations could lead to disciplinary action, demotion, or dismissal.
SECTION 2611. 111.70 (4) (m) (title), 1., 2. and 4. of the statutes are amended to read:

111.70 (4) (m) (title) Prohibited subjects of bargaining; school districts.

1. Reassignment of municipal employees who perform services for a board of school directors under ch. 119, with or without regard to seniority, as a result of a decision of the board of school directors to contract with an individual or group to operate a school as a charter school, as defined in s. 115.001 (1), or to convert a school to a charter school, or the impact of any such reassignment on the wages, hours, or conditions of employment of the municipal employees who perform those services.

2. Reassignment of municipal employees who perform services for a board of school directors, with or without regard to seniority, as a result of the decision of the board to close or reopen a school under s. 119.18 (23) or 118.36, or the impact of any such reassignment on the wages, hours, or conditions of employment of the municipal employees who perform those services.

4. Any decision of a board of school directors to contract with a school or agency to provide educational programs under s. 119.235 or 118.37, or the impact of any such decision on the wages, hours, or conditions of employment of the municipal employees who perform services for the board.

SECTION 2612. 111.70 (4) (m) 5. of the statutes is created to read:

111.70 (4) (m) 5. Layoff or reassignment of municipal employees, with or without regard to seniority, as provided under s. 117.25 (1) (e), or the impact of any such layoff or reassignment on the wages, hours, or conditions of employment of the municipal employees.

SECTION 2613. 111.70 (4) (m) 7. of the statutes is created to read:
111.70 (4) (m) 7. Assignment of municipal employees, with or without regard
to seniority, in any school district designated a school district with expanded
flexibility under s. 118.39, or the impact of any such assignment on the wages, hours,
or conditions of employment of the municipal employees.

SECTION 2614. 111.70 (4) (m) 8. of the statutes is created to read:

111.70 (4) (m) 8. The establishment of the school calendar. This subdivision
shall not be construed to eliminate a school district’s duty to bargain collectively with
respect to the impact of the school calendar on wages, hours, and conditions of
employment of the municipal employees who perform services for a school district.

SECTION 2615. 111.70 (4) (o) of the statutes is created to read:

111.70 (4) (o) Permissive subjects of collective bargaining. In a school district,
the municipal employer is not required to bargain collectively with respect to the
selection of any group health care benefits provider for school district professional
employees if the provider offers health care benefits coverage that is substantially
similar to that offered by other providers in bids submitted under s. 120.12 (24).
Rules promulgated by the office of the commissioner of insurance under s. 601.415
(13) shall be used to determine if health care benefits coverage offered by different
providers is substantially similar.

SECTION 2616. 115.28 (7) (a) of the statutes is amended to read:

115.28 (7) (a) License all teachers for the public schools of the state, make rules
establishing standards of attainment and procedures for the examination and
licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192,
and 118.195, prescribe by rule standards and procedures for the approval of teacher
preparatory programs leading to licensure, file in the state superintendent’s office
all papers relating to state teachers’ licenses, and register each such license.
SECTION 2617. 115.28 (7) (b) of the statutes is amended to read:

115.28 (7) (b) Subject to the same rules and laws concerning qualifications of applicants and, granting and revocation of licenses or certificates under par. (a), and limitation and suspension of licenses under s. 115.31, the state superintendent shall grant certificates and licenses to teachers in private schools, except that teaching experience requirements for such certificates and licenses may be fulfilled by teaching experience in either public or private schools. An applicant is not eligible for a license or certificate unless the state superintendent finds that the private school in which the applicant taught offered an adequate educational program during the period of the applicant’s teaching therein. Private schools are not obligated to employ only licensed or certified teachers.

SECTION 2618. 115.28 (7) (c) of the statutes is amended to read:

115.28 (7) (c) Subject to ss. 118.19 (4m) and 118.195, license and make rules for the examination and licensing of persons, including teachers, employed to provide publicly funded special education and related services, as those terms are defined in s. 115.76 (14) and (15).

SECTION 2619. 115.28 (7) (e) 2. of the statutes is amended to read:

115.28 (7) (e) 2. Promulgate Subject to ss. 118.19 and 118.195, promulgate rules establishing requirements for licensure as an alternative education program teacher and for the approval of teacher education programs leading to licensure as an alternative education program teacher. The rules shall encompass the teaching of multiple subjects or grade levels or both, as determined by the state superintendent. The rules may require teacher education programs to grant credit towards licensure as an alternative education program teacher for relevant experience or demonstrated proficiency in relevant skills and knowledge.
SECTION 2620. 115.28 (9) of the statutes is amended to read:

115.28 (9) FEDERAL AIDS. Accept federal funds for any function over which the state superintendent has jurisdiction and act as the agent for the receipt and disbursement of such funds, and distribute to school districts the maximum amount of such funds allowed under federal law except those funds provided for administrative purposes.

SECTION 2621. 115.28 (26) of the statutes is amended to read:

115.28 (26) PERIODICAL AND REFERENCE INFORMATION DATABASES. Contract with one or more persons to provide statewide access, through the Internet, to periodical and reference information databases. The state superintendent shall charge each school district a fee for use of the databases.

SECTION 2622. 115.28 (27) of the statutes is repealed.

SECTION 2623. 115.28 (30) (c) of the statutes is created to read:

115.28 (30) (c) Ensure that the vocational education consultants employed by the department coordinate their activities with, and support the activities of, the staff of the governor’s work–based learning board under s. 106.12.

SECTION 2624. 115.28 (33) of the statutes is repealed and recreated to read:

115.28 (33) GRANTS FOR CONSOLIDATION AND COORDINATION STUDIES. From the appropriation under s. 20.255 (2) (es), award grants to 2 or more school districts that are considering consolidating or coordinating the provision of educational services for the purpose of studying the feasibility of the consolidation or coordination. The department shall promulgate rules to implement and administer this subsection.

SECTION 2625. 115.28 (42) of the statutes is created to read:

115.28 (42) WISCONSIN GEOGRAPHICAL EDUCATION PROGRAM. Enter into an agreement with the National Geographical Society Education Foundation to
establish a geographical education program in this state. The agreement shall require each of the following:

(a) That the National Geographical Society Education Foundation shall establish and manage a trust fund consisting of any grant made under 2001 Wisconsin Act .... (this act), section 9101 (10) (b), and $500,000 in matching funds provided by the Foundation.

(b) That, from the trust fund established under par. (a) and any income thereon, the National Geographical Society Education Foundation shall award grants and support programs for improving geographical education in this state, with an emphasis on improving student use of geographic information systems technology.

(c) That the National Geographical Society Education Foundation annually submit to the department an audited financial statement of the trust fund established under par. (a) that is prepared by an independent auditor and a report listing the names of grant recipients and the amounts and purposes of awards and other expenditures made from the trust fund.

(d) That, if the trust fund established under par. (a) is dissolved, the National Geographical Society Education Foundation shall return to the department the grant made under 2001 Wisconsin Act .... (this act), section 9101 (10) (b), and unexpended income thereon.

(e) That the agreement is not effective unless the secretary of administration determines that the transfer between the appropriation accounts described under 2001 Wisconsin Act .... (this act), section 9101 (10) (b), has occurred and that the National Geographical Society Education Foundation has provided the matching funds described in par. (a).

**SECTION 2626.** 115.285 of the statutes is created to read:
115.285 Rule making; distance education. (1) In this section, “distance education” means education that is characterized by separation, in time or place, between the teacher and the pupil, and includes courses that are taught principally through the use of video or audio transmission or transmission over the Internet.

(2) Notwithstanding ss. 227.10 (1) and 227.11 (2), the state superintendent may not promulgate a rule that relates to distance education without the approval of the secretary of administration, the technical college system board, and the technology for educational achievement in Wisconsin board.

Section 2627. 115.29 (6) of the statutes is created to read:

115.29 (6) Licensing of teachers. Establish different levels of teacher licensure, such as initial, professional, and master licenses, and promulgate rules establishing different standards for each level.

Section 2628. 115.31 (title) of the statutes is amended to read:

115.31 (title) License or permit limitation, suspension, and revocation; reports; investigation.

Section 2629. 115.31 (1) (d) of the statutes is created to read:

115.31 (1) (d) “License” includes a permit issued under s. 118.192.

Section 2630. 115.31 (1) (e) of the statutes is created to read:

115.31 (1) (e) “Limit” has the meaning under s. 440.01 (1) (d).

Section 2631. 115.31 (1) (f) of the statutes is created to read:

115.31 (1) (f) “Suspend” has the meaning under s. 440.01 (1) (h).

Section 2632. 115.31 (2) of the statutes is amended to read:

115.31 (2) Except as provided under sub. (2g), after written notice of the charges and of an opportunity for defense, any license granted by the state
superintendent may be limited, suspended, or revoked by the state superintendent
for incompetency or immoral conduct on the part of the licensee.

**SECTION 2633.** 115.31 (2g) of the statutes is renumbered 115.31 (2g) (intro.) and
amended to read:

115.31 (2g) (intro.) Notwithstanding subch. II of ch. 111, the state
superintendent shall revoke a license granted by the state superintendent, without
a hearing, if the licensee is convicted of any of the following:

(a) A Class A, B, C, or D felony under ch. 940 or 948, except ss. 940.08 and
940.205, for a violation that occurs on or after September 12, 1991.

**SECTION 2634.** 115.31 (2g) (b) of the statutes is created to read:

115.31 (2g) (b) A crime under the law of another state or another country that
is substantially similar to a crime specified under par. (a), for a violation that occurs
on or after the effective date of this paragraph .... [revisor inserts date].

**SECTION 2635.** 115.31 (2g) (br) of the statutes is created to read:

115.31 (2g) (br) A Class BC felony under ch. 940 or 948 for a violation that
occurs on or after the effective date of this paragraph .... [revisor inserts date].

**SECTION 2636.** 115.31 (6) (b) of the statutes is amended to read:

115.31 (6) (b) Upon receiving a report under sub. (3) relating to a person
licensed by the state superintendent, the state superintendent shall investigate to
determine whether to initiate limitation, suspension, or revocation proceedings.
During the investigation, the state superintendent shall keep confidential all
information pertaining to the investigation except the fact that an investigation is
being conducted and the date of the limitation, suspension, or revocation hearing.

**SECTION 2637.** 115.31 (6) (c) of the statutes is amended to read:
1 115.31 (6) (c) Notwithstanding s. 16.61 (4), the department shall destroy all
2 information pertaining to an investigation or a limitation, suspension, or revocation
3 proceeding, other than the fact that a person was convicted of a crime described
4 under sub. (3) (a) 1., 3 years from the date on which the investigation is terminated
5 or a final decision denying limitation, suspension, or revocation of the person's
6 license is issued, whichever is later.

7 **Section 2638.** 115.31 (7m) of the statutes is created to read:

8 115.31 (7m) At the request of the state superintendent, an educational agency
9 shall disclose to the state superintendent all records relating to an employee or
10 former employee of the educational agency who is licensed by the state
11 superintendent if the state superintendent has commenced an investigation to
12 determine whether to initiate limitation, suspension, or revocation proceedings
13 under this section. The state superintendent shall keep confidential all information
14 disclosed under this subsection.

15 **Section 2639.** 115.38 (1) of the statutes is renumbered 115.38 (1r), and 115.38
16 (1r) (intro.), (b) 2. and (c), as renumbered, are amended to read:

17 115.38 (1r) (intro.) The state superintendent board shall develop a school and
18 school district performance report for use by school districts under sub. (2). The
19 report shall include all of the following by school and by school district:

20 (b) 2. The numbers of suspensions and expulsions; the reasons for which pupils
21 are suspended or expelled, reported according to categories specified by the state
22 superintendent board; the length of time for which pupils are expelled, reported
23 according to categories specified by the state superintendent board; whether pupils
24 return to school after their expulsion; the educational programs and services, if any,
25 provided to pupils during their expulsions, reported according to categories specified
by the state superintendent board; the schools attended by pupils who are suspended or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

(c) Staffing and financial data information, as determined by the state superintendent board, not to exceed 10 items. The state superintendent board may not request a school board to provide information solely for the purpose of including the information in the report under this paragraph.

SECTION 2640. 115.38 (1g) of the statutes is created to read:

115.38 (1g) In this section, “board” means the board on education evaluation and accountability.

SECTION 2641. 115.38 (2) of the statutes is amended to read:

115.38 (2) By January 1, 1993, and annually thereafter, each school board shall distribute to the parent or guardian of each pupil enrolled in the school district, including pupils enrolled in charter schools located in the school district, or give to each pupil to bring home to his or her parent or guardian, a school and school district performance report that includes the information specified by the state superintendent board under sub. (1) (1r).

SECTION 2642. 115.38 (3) of the statutes is amended to read:

115.38 (3) Annually, the state superintendent board shall publish and distribute to the legislature under s. 13.172 (2) a summary of the reports under sub. (2).

SECTION 2643. 115.38 (4) of the statutes is amended to read:

115.38 (4) Beginning in the 1993–94 school year and annually thereafter, the state superintendent shall identify those school districts that are low in performance and those schools in which there are pupils enrolled who do not meet
the state minimum performance standards on the examinations administered under s. 118.30. The state superintendent shall make recommendations regarding how the programs and operations of the identified school districts and schools may be improved and. Each school district shall review the recommendations and develop an improvement plan. The state superintendent shall periodically assess school district implementation of the recommendations plans.

**SECTION 2643.** 115.38 (4) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

115.38 (4) Annually, the state superintendent board shall identify those school districts that are low in performance and those schools in which there are pupils enrolled who do not meet the state minimum performance standards on the examinations administered under s. 118.30. The state superintendent board shall make recommendations regarding how the programs and operations of the identified school districts and schools may be improved. Each school district shall review the recommendations and develop an improvement plan. The state superintendent board shall periodically assess school district implementation of the plans.

**SECTION 2644.** 115.38 (5) of the statutes is created to read:

115.38 (5) Annually, the state superintendent shall publish and distribute to the governor, and to the legislature under s. 13.172 (2), a list of the school districts and schools that are identified under sub. (4).

**SECTION 2645.** 115.38 (5) of the statutes, as created by 2001 Wisconsin Act .... (this act), is amended to read:

115.38 (5) Annually, the state superintendent board shall publish and distribute to the governor, and to the legislature under s. 13.172 (2), a list of the school districts and schools that are identified under sub. (4).
SECTION 2647. 115.385 of the statutes is created to read:

115.385 Bureau for school improvement. (1) In this section, “bureau” means the bureau for school improvement in the department.

(2) The bureau shall provide on-site, technical assistance to schools and school districts, especially to schools and school districts that are identified as low in performance under s. 115.38. The bureau shall consist of multidisciplinary school improvement teams, each of which shall include at least one licensed teacher employed by a school district and on assignment to the department under sub. (3).

(3) The department shall enter into agreements with school districts under s. 230.047 for the temporary assignment of licensed teachers to the department for inclusion on the school improvement teams under sub. (2). Approval of the secretary of employment relations is not required for an agreement under this subsection.

(4) The bureau shall administer the grant programs under s. 118.39 (5).

(5) This section does not apply unless the governor approves the reorganization plan under 2001 Wisconsin Act .... (this act), section 9140 (4).

SECTION 2648. 115.415 of the statutes is created to read:

115.415 School performance grants. (1) Beginning in the 2003–04 school year, the department shall, from the appropriation under s. 20.255 (2) (fj), award grants to school boards on behalf of schools in school districts that demonstrate improved performance over the previous school year. The department shall, after considering the proposed criteria submitted under 2001 Wisconsin Act .... (this act), section 9140 (5), promulgate rules to implement and administer this section. The rules shall include, as criteria for grant eligibility, dropout rates, graduation rates, improvement in pupils’ academic performance and in teachers’ knowledge and skills, and the number of teachers certified by the National Board for Professional Teaching
Standards. In promulgating its rules, the department shall specify the weight assigned to each criterion, except that the department shall assign 75% of the weight to improvement in pupils’ academic performance.

(2) The department may not award grants under sub. (1) to more than 6 school boards in the same school year and shall ensure that the amount of each grant does not exceed $2,000 multiplied by the number of employees in all schools in the school district that meet the performance requirements contained in the rules promulgated under sub. (1). The department may not award a grant after June 30, 2004, to a school board that was ineligible to receive a grant before that date. The department may renew grants to school boards that received grants before June 30, 2004, if their schools continue, without interruption, to meet performance requirements contained in the rules promulgated under sub. (1).

Section 2649. 115.42 (1) (a) 3. of the statutes is repealed.

Section 2650. 115.42 (1) (b) of the statutes is amended to read:

115.42 (1) (b) The grant under this subsection shall be an amount equal to the costs of obtaining certification under par. (a) 1. that are borne by the person, not to exceed $2,000. The department shall award the grant under this subsection in the school year in which the person is certified under par. (a) 1., except that if the person becomes certified under par. (a) 1. while he or she is not a resident of this state, the department shall award the grant under this subsection in the first school year in which the person meets the requirements under par. (a).

Section 2651. 115.42 (2) (intro.) of the statutes is renumbered 115.42 (2) (a) (intro.) and amended to read:

115.42 (2) (a) (intro.) The department shall award a 9 grants of $2,500 grant each to each person who received a grant under sub. (1) in each of the 9 school years
following the school year in which he or she received the grant if the person satisfies all of the following requirements:

SECTION 2652. 115.42 (2) (a) and (b) of the statutes are renumbered 115.42 (2) (a) 1. and 2.

SECTION 2653. 115.42 (2) (bL) of the statutes is created to read:

115.42 (2) (bL) The department shall award the grants under this subsection annually, one grant in each of the school years following the school year in which the grant under sub. (1) was awarded and in which the person satisfies the requirements under par. (a).

SECTION 2654. 115.42 (2) (c) of the statutes is repealed.

SECTION 2655. 115.42 (2) (d) of the statutes is renumbered 115.42 (2) (a) 4.

SECTION 2656. 115.425 (5) of the statutes, as affected by 1999 Wisconsin Act 32, is amended to read:

115.425 (5) Propose to the state superintendent standards and procedures for limiting, suspending, or revoking a teaching license.

SECTION 2657. 115.43 (2) (d) of the statutes is created to read:

115.43 (2) (d) The state superintendent shall submit a report on the effectiveness of the program under this section to the governor and to the legislature under s. 13.172 (2). The state superintendent shall include in the report the number of students who both participated in the program under this section and graduated from a University of Wisconsin System institution, a technical college located in this state, or a private educational institution located in this state that awards a bachelor’s or higher degree or provides a program that is acceptable for credit toward such a degree.

SECTION 2658. 115.46 (3) (e) of the statutes is amended to read:
115.46 (3) (e) The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked, limited, or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

**SECTION 2659.** 115.77 (3) of the statutes is amended to read:

115.77 (3) Any state or federal aid that is made available to a local educational agency for special education and related services shall may be used by the local educational agency only to comply with this subchapter or for the purposes, specified in 20 USC 1413 (a), (f), or (g).

**SECTION 2660.** 115.77 (4) (d) of the statutes is repealed.

**SECTION 2661.** 115.78 (2) (c) of the statutes is repealed.

**SECTION 2662.** 115.782 (2) (e) of the statutes is amended to read:

115.782 (2) (e) Each individualized education program team participant person who administers tests, assessments or other evaluation materials as part of an evaluation or reevaluation of a child under this section shall prepare and make available to all team participants persons who are participating in the evaluation of the child, at a team meeting, a written summary of the participant's person's findings that will assist with program planning.

**SECTION 2663.** 115.782 (3) (b) of the statutes is amended to read:

115.782 (3) (b) If the individualized education program team determines that a child is a child with a disability, the team shall prepare an evaluation report that includes documentation of determination of eligibility. The local educational agency shall give a copy of the evaluation report to the child's parents. The local educational
agency shall also ask each individualized education program team participant if he or she wants a copy of the evaluation report or additional time before the individualized education program team develops the child’s individualized education program. If any individualized education program team participant requests a copy of the evaluation report at any point in the process of developing the child’s individualized education program or considering the child’s educational placement, the local educational agency shall give a copy of the report to each individualized education program team participant before continuing with the process. If no individualized education program team participant requests a copy of the evaluation report, the local educational agency shall give a copy to the child’s parents with the notice of placement under s. 115.792 (2).

**SECTION 2664.** 115.782 (3) (c) of the statutes is amended to read:

115.782 (3) (c) If the individualized education program team determines that a child is not a child with a disability, the team shall prepare an evaluation report. The report shall identify any educational needs of the child and any services offered by the local educational agency from which the child may benefit and shall include information about any programs and services, other than those offered by the local educational agency, that may benefit the child. The local educational agency shall give a copy of the evaluation report to the child’s parents with the notice under s. 115.792 (1) (b).

**SECTION 2665.** 115.782 (4) (a) (intro.) of the statutes is amended to read:

115.782 (4) (a) (intro.) A local educational agency shall ensure that the individualized education program team does do all of the following:

**SECTION 2666.** 115.787 (2) (g) 1. of the statutes is amended to read:
115.787 (2) (g) 1. Beginning when the child attains the age of 14, and annually thereafter until the child is no longer eligible for special education and related services, a statement of the transition services needed by the child, identifying the courses of study needed to prepare the child for a successful transition to his or her goals for life after secondary school, such as participation in advanced placement courses or a vocational education program.

**SECTION 2667.** 115.88 (2) of the statutes is amended to read:

115.88 (2) **TRANSPORTATION AID.** If upon receipt of the plan under s. 115.77 (4) the state superintendent is satisfied that the transportation of children with disabilities has been maintained during the preceding year in accordance with the law, the state superintendent shall certify to the department of administration in favor of each county, cooperative educational service agency, or school district transporting such pupils an amount equal to the amount expended for such transportation as costs eligible for reimbursement from the appropriations appropriation under s. 20.255 (2) (b) and (br). Pupils for whom aid is paid under this subsection shall not be eligible for aid under s. 121.58 (2) or (4). This subsection applies to any child with a disability who requires special assistance in transportation, including any such child attending regular classes who requires special or additional transportation. This subsection does not apply to any child with a disability attending regular or special classes who does not require any special or additional transportation.

**SECTION 2668.** 115.88 (8m) of the statutes is created to read:

115.88 (8m) **SUPPLEMENTAL AID.** (a) If an operator of a charter school established under s. 118.40 (2r), a school district, a county, or a cooperative educational service agency incurs special education costs for a pupil that equal or
exceed $50,000, the department shall, beginning in the 2002–03 school year, reimburse the operator, school district, county, or cooperative educational service agency from the appropriation under s. 20.255 (2) (b) an amount calculated as follows:

1. For each special education pupil, determine the amount of aidable costs under subs. (1) to (6) and (8) in the previous school year.
2. Subtract from the amount under subd. 1. the amount of aid paid under this section for those costs.
3. Subtract $50,000 from the result under subd. 2.
4. Multiply the result under subd. 3. by 0.50.

(b) An operator, school district, county, or cooperative educational service agency seeking aid under this subsection shall submit a claim for aid to the department no later than September 1 of the school year following the school year in which the costs were incurred.

SECTION 2669. 115.882 of the statutes is renumbered 115.882 (1) and amended to read:

115.882 Payment of state aid. (1) Funds appropriated under s. 20.255 (2) (b) shall be used first for the purposes of s. 115.88 (4) and (8m). Costs Except as provided under sub. (2), costs eligible for reimbursement from the appropriations appropriation under s. 20.255 (2) (b) and (br) under ss. 115.88 (1m) to (3), (6), and (8), 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount appropriated for reimbursement for such costs, not to exceed 100%.

SECTION 2670. 115.882 (2) of the statutes is created to read:

115.882 (2) (a) In this subsection:
1. “Eligible charter school” means a charter school established under s. 118.40 (2r) that is receiving state aid under sub. (1).

2. “Eligible school district” means a school district that is receiving state aid under sub. (1).

3. “Membership” has the meaning given in s. 121.004 (5).

(b) Beginning in the 2001–02 school year, the department shall distribute to eligible school districts and eligible charter schools, in the manner described in pars. (c) and (d), the following portion of the amount appropriated under s. 20.255 (2) (b):

1. In the 2001–02 school year, $10,000,000.

2. In the 2002–03 school year, an amount equal to 5% of the amount appropriated under s. 20.255 (2) (b).

3. In the 2003–04 school year and in each school year thereafter, an amount equal to 10% of the amount appropriated under s. 20.255 (2) (b).

(c) An amount equal to 85% of the total amount distributed under this subsection each school year shall be distributed as follows:

1. Divide the eligible school district’s membership, or the number of pupils attending the eligible charter school, by the sum of the memberships of all eligible school districts and the number of pupils attending all eligible charter schools.

2. Multiply the quotient under subd. 1. by the appropriate amount specified or determined under par. (b).

(d) An amount equal to 15% of the total amount distributed under this subsection each school year shall be distributed as follows:

1. Divide the number of pupils included in the eligible school district’s membership, or the number of pupils attending the eligible charter school, that are
eligible for a free or reduced-price lunch under 42 USC 1758 by the sum of all such pupils in all eligible school districts and charter schools.

2. Multiply the quotient under subd. 1. by the appropriate amount specified or determined under par. (b).

SECTION 2671. 115.898 of the statutes is renumbered 115.898 (1).

SECTION 2672. 115.898 (2) of the statutes is created to read:

115.898 (2) To the extent practicable, the state superintendent shall ensure that all rules promulgated under the authority of this subchapter are identical to the federal regulations adopted under the authority of 20 USC 1400 to 1487.

SECTION 2673. 115.97 (2) of the statutes is amended to read:

115.97 (2) If, in a language group under s. 115.96 (1), there are 10 or more limited-English proficient pupils in kindergarten to grade 3 in attendance at a particular elementary school and whose parents or legal custodians give written consent to such pupils’ placement under s. 115.96 (3), the school board shall establish a bilingual-bicultural education program for such pupils during the school term. Such program shall be taught by a bilingual teacher.

SECTION 2674. 115.97 (3) of the statutes is amended to read:

115.97 (3) If, in a language group under s. 115.96 (1), there are 20 or more limited-English proficient pupils in grades 4 to 8 in attendance at a particular elementary, middle or junior high school and whose parents or legal custodians give written consent to such pupils’ placement under s. 115.96 (3), the school board shall establish a bilingual-bicultural education program for such pupils during the school term. Such program shall be taught by a bilingual teacher.

SECTION 2675. 115.97 (5) (a) (intro.) of the statutes is amended to read:
115.97 (5) (a) (intro.) Except as provided under par. (b), if a school board is required to establish a bilingual–bicultural education program under sub. (2), (3) or (4), but bilingual teachers for the language groups are unavailable, the program may be taught by certified teachers of English as a 2nd language upon receipt of approval of the state superintendent. The state superintendent may approve a program under this paragraph only if the school board demonstrates all of the following:

**SECTION 2676.** 116.12 of the statutes is created to read:

**116.12 Grants to develop services for school districts.** A board of control or a consortium of 2 or more boards of control may apply to the department for a grant to fund the development, for school districts, of education services that are unrelated to instruction. As a condition of receiving a grant, a board of control or a consortium shall provide matching funds in an amount equal to at least 50% of the amount of the grant. A grant may not exceed $300,000. The department shall award grants from the appropriation under s. 20.255 (2) (fh). The department shall promulgate rules to implement and administer this section.

**SECTION 2677.** 117.20 (2) of the statutes is amended to read:

117.20 (2) The clerk of each affected school district shall publish notice, as required under s. 8.55, in the territory of that school district. The procedures for school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a referendum held under this section. The school board and school district clerk of each affected school district shall each perform, for that school district, the functions assigned to the school board and the school district clerk, respectively, under those subsections. The form of the ballot shall correspond to the form prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school district shall file with the secretary of the board a certified statement prepared by
the school district board of canvassers of the results of the referendum in that school
district.

**SECTION 2678.** 117.25 (1) (e) of the statutes is created to read:

117.25 (1) (e) For 60 days after the effective date, the school district
administrator of the new school district may lay off or reassign school district
employees without regard to seniority in service.

**SECTION 2679.** 118.045 (3) of the statutes is amended to read:

118.045 (3) A school board may commence the school term before September
1 in any school year if it holds a public hearing on the issue after April 30 of the
previous school year and adopts a resolution to that effect in that school year.

**SECTION 2680.** 118.19 (3) (a) of the statutes is amended to read:

118.19 (3) (a) No license to teach in any public school may be issued unless the
applicant possesses a bachelor’s degree including such professional training as the
department by rule requires, except as permitted under par. (b), subs. (13) and (14),
and ss. 115.28 (17) (a) and 118.192. Notwithstanding s. 36.11 (16), no teacher
preparatory program in this state may be approved by the state superintendent
under s. 115.28 (7) (a), unless each student in the program is required to complete
student teaching consisting of full days for a full semester following the daily
schedule and semester calendar of the cooperating school. **No Except as provided in**
subs. (13) and (14), no license to teach in any public school may be granted to an
applicant who completed a professional training program outside this state unless
the applicant completed student teaching consisting of full days for a full semester
following the daily schedule and semester calendar of the cooperating school or the
equivalent, as determined by the state superintendent. The state superintendent
may grant exceptions to the student teaching requirements under this paragraph
when the midyear calendars of the institution offering the teacher preparatory
program and the cooperating school differ from each other and would prevent
students from attending classes at the institution in accordance with the
institution’s calendar. The state superintendent shall promulgate rules to
implement this subsection.

**SECTION 2681.** 118.19 (4) (a) of the statutes is amended to read:

118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
may not grant a license to any person who has been convicted of any Class A, B, C,
or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of an equivalent
crime in another state or country, for a violation that occurs on or after September
12, 1991, but before the effective date of this paragraph .... [revisor inserts date], for
6 years following the date of the conviction, and may grant the license only if the
person establishes by clear and convincing evidence that he or she is entitled to the
license.

**SECTION 2682.** 118.19 (4) (am) of the statutes is created to read:

118.19 (4) (am) Notwithstanding subch. II of ch. 111, the state superintendent
may not grant a license to any person who has been convicted of any Class A, B, BC,
C, or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of a
substantially similar crime in another state or country, for a violation that occurs on
or after the effective date of this paragraph .... [revisor inserts date], for 6 years
following the date of the conviction, and may grant the license only if the person
establishes by clear and convincing evidence that he or she is entitled to the license.

**SECTION 2683.** 118.19 (4) (b) of the statutes is amended to read:

118.19 (4) (b) Notwithstanding par. pars. (a) and (am), the state
superintendent shall grant a license to a person convicted of a crime described under
par. (a) or (am), prior to the expiration of the 6-year period following the conviction, if the conviction is reversed, set aside, or vacated.

**SECTION 2684.** 118.19 (4m) of the statutes is amended to read:

118.19 (4m) The Except as provided in subs. (13) and (14), the state superintendent may not issue or renew a license to teach the visually impaired unless the applicant demonstrates, based on criteria established by the state superintendent by rule, that he or she is proficient in reading and writing braille and in teaching braille. In promulgating rules under this subsection, the state superintendent shall take into consideration the standard used by the librarian of congress for certifying braille transcribers.

**SECTION 2685.** 118.19 (6) of the statutes is amended to read:

118.19 (6) In granting certificates or licenses for the teaching of courses in economics, social studies, or agriculture, adequate instruction in cooperative marketing and consumers’ cooperatives shall be required. In granting certificates or licenses for the teaching of courses in science or social studies, adequate instruction in the conservation of natural resources shall be required. This subsection does not apply to a license granted under sub. (13) or (14).

**SECTION 2686.** 118.19 (7) of the statutes is amended to read:

118.19 (7) No certificate or Except as provided in subs. (13) and (14), no license to teach industrial arts subjects may be issued unless the applicant has had 3 years of practical experience beyond apprenticeship or 4 years of institutional training in such subjects. For purposes of salary schedules and promotion, any person teaching an industrial arts subject on January 1, 1936, who had 5 years of practical or teaching experience in such subject shall be deemed to have the equivalent of a bachelor’s degree.
SECTION 2687. 118.19 (8) of the statutes is amended to read:

118.19 (8) The Except as provided in subs. (13) and (14), the state superintendent may not grant to any person a license to teach unless the person has received instruction in the study of minority group relations, including instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state.

SECTION 2688. 118.19 (9) (a) (intro.) of the statutes is amended to read:

118.19 (9) (a) (intro.) Except as provided in par. (b) and subs. (13) and (14), the state superintendent may not issue an initial teaching license, school district administrator’s license, or school administrator’s license unless the applicant has demonstrated competency in all of the following:

SECTION 2689. 118.19 (10) (f) of the statutes is amended to read:

118.19 (10) (f) The state superintendent shall keep confidential all information received under this subsection from the department of justice or the federal bureau of investigation. Except as provided in par. pars. (g) and (h), such information is not subject to inspection or copying under s. 19.35.

SECTION 2690. 118.19 (10) (h) of the statutes is created to read:

118.19 (10) (h) At the request of an educational agency and upon receiving signed consent from the employee or applicant, the state superintendent shall release to the educational agency the results of a background investigation under this subsection if the background investigation concerns a person who is employed by the educational agency or who is applying for a position with the educational agency. The educational agency shall keep confidential all information released under this paragraph.

SECTION 2691. 118.19 (12) of the statutes is amended to read:
118.19 (12) Beginning Except as provided in subs. (13) and (14), beginning on
July 1, 1998, the department may not issue or renew a license that authorizes the
holder to teach reading or language arts to pupils in any prekindergarten class or in
any of the grades from kindergarten to 6 unless the applicant has successfully
completed instruction preparing the applicant to teach reading and language arts
using appropriate instructional methods, including phonics. The phonics
instruction need not be provided as a separate course. In this subsection, “phonics”
means a method of teaching beginners to read and pronounce words by learning the
phonetic value of letters, letter groups, and syllables.

Section 2692. 118.19 (13) of the statutes is created to read:

118.19 (13) (a) Upon request by a school board, the department shall grant a
temporary initial teaching license to any person who satisfies all of the requirements
for an initial teaching license other than the educational requirements if the school
board states in its request that it intends to employ the person as a teacher and that
at least one of the following apply:

1. The person has a bachelor’s degree from an accredited institution of higher
education in a field related to the subject that he or she will teach.

2. The person has at least 5 years of practical or teaching experience in a field
related to the subject that he or she will teach.

3. The person served in the U.S. armed forces or in forces incorporated as part
of the U.S. armed forces for at least 5 consecutive years, was discharged under
conditions other than dishonorable, and has practical or teaching experience in a
field related to the subject that he or she will teach.

(b) If the board intends to employ the person as a teacher in grades
kindergarten to 5, the requirement under par. (a) 1. and 2. is satisfied if the person
Section 2692. A temporary license granted under par. (a) is valid for 2 years and may not be renewed. If a person who has been granted a temporary license under par. (a) completes an alternative teacher training program approved by the department before the expiration of the temporary license, the department shall grant an initial teaching license to the person that shall be considered retroactively effective to the date that the temporary license was granted. The department may not approve an alternative teacher training program for the purposes of this paragraph unless it consists of at least 100 hours of instruction over the course of no more than 2 years.

Section 2693. 118.19 (14) of the statutes is created to read:

Subject to subs. (1m), (1r), (1s), (4), and (10), the department shall do all of the following:

(a) Except as provided in par. (b), grant an initial teacher’s license to any person who holds a valid license as a teacher issued by another state.

(b) If the department establishes different levels of teacher licensure under s. 115.29 (6), grant the highest level of teacher’s license to any person who holds a valid license as a teacher issued by another state and is certified by the National Board for Professional Teaching Standards.

Section 2694. 118.245 (3) of the statutes is amended to read:

No school district may provide to its nonrepresented professional employees for any 12-month period ending on June 30 an average increase for all such employees in the total cost to the school district of compensation and fringe benefits for such employees having an average cost per employee exceeding 3.8% of the average total cost per employee of compensation and fringe benefits provided by
the school district to its nonrepresented professional employees for the preceding
12-month period ending on June 30 or the average total percentage increased cost
per employee of compensation and fringe benefits provided to its represented
professional employees during the 12-month period ending on June 30 preceding the
date that the increase becomes effective, whichever is greater. For purposes of this
subsection, the:

(a) The average total percentage increased cost per employee of the
compensation provided by a school district to its represented professional employees
shall be determined in accordance with the method prescribed by the employment
relations commission under s. 111.70 (4) (cm) 8s.

SECTION 2695. 118.245 (3) (b) of the statutes is created to read:

118.245 (3) (b) Any compensation received by nonrepresented professional
employees from a grant under s. 115.415 shall not be subject to the limitation under
this subsection.

SECTION 2696. 118.30 (1) of the statutes is renumbered 118.30 (1d) and
amended to read:

118.30 (1d) (a) The state superintendent board shall adopt or approve
examinations designed to measure pupil attainment of knowledge and concepts in
the 4th, 8th and 10th grades.

(b) The department board shall develop a high school graduation examination
that is designed to measure whether pupils meet the pupil academic standards
issued by the governor as executive order no. 326, dated January 13, 1998.

SECTION 2697. 118.30 (1b) of the statutes is created to read:

118.30 (1b) In this section, “board” means the board on education evaluation
and accountability.
SECTION 2698. 118.30 (1g) (b) of the statutes is amended to read:

118.30 (1g) (b) Each school board operating high school grades and each operator of a charter school under s. 118.40 (2r) that operates high school grades shall adopt a high school graduation examination that is designed to measure whether pupils meet the pupil academic standards adopted by the school board or operator of the charter school under par. (a). If the school board or operator of the charter school has adopted the pupil academic standards issued as executive order no. 326, dated January 13, 1998, the school board or operator of the charter school may adopt the high school graduation examination developed by the department board under sub. (1) (1d) (b). If a school board or operator of a charter school develops and adopts its own high school graduation examination, it shall notify the department board annually by October 1 that it intends to administer the examination in the following school year.

SECTION 2699. 118.30 (1g) (c) of the statutes is amended to read:

118.30 (1g) (c) Each school board operating elementary grades and each operator of a charter school under s. 118.40 (2r) that operates elementary grades may develop or adopt its own examination designed to measure pupil attainment of knowledge and concepts in the 4th grade and may develop or adopt its own examination designed to measure pupil attainment of knowledge and concepts in the 8th grade. If the school board or operator of the charter school develops or adopts an examination under this paragraph, it shall notify the department board.

SECTION 2700. 118.30 (1m) (a) of the statutes is amended to read:

118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils enrolled in charter schools
located in the school district, in the 4th grade. Beginning on July 1, 2002, if the
school board has not developed and adopted its own 4th grade examination, the
school board shall provide a pupil with at least 2 opportunities to take the
examination administered under this subdivision.

2. Beginning on July 1, 2002, if the school board has developed or adopted its
own 4th grade examination, administer that examination to all pupils enrolled in the
school district, including pupils enrolled in charter schools located in the school
district, in the 4th grade. The school board shall provide a pupil with at least 2
opportunities to take the examination administered under this subdivision.

SECTION 2701. 118.30 (1m) (a) 1. of the statutes, as affected by 2001 Wisconsin
Act .... (this act), is amended to read:

118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
examination adopted or approved by the state superintendent board under sub. (1)
(1d) to all pupils enrolled in the school district, including pupils enrolled in charter
schools located in the school district, in the 4th grade.

SECTION 2702. 118.30 (1m) (am) of the statutes is amended to read:

118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
examination adopted or approved by the state superintendent under sub. (1) to all
pupils enrolled in the school district, including pupils enrolled in charter schools
located in the school district, in the 8th grade. Beginning on July 1, 2002, if the
school board has not developed and adopted its own 8th grade examination, the
school board shall provide a pupil with at least 2 opportunities to take the
examination administered under this subdivision.

2. Beginning on July 1, 2002, if the school board has developed or adopted its
own 8th grade examination, administer that examination to all pupils enrolled in the
school district, including pupils enrolled in charter schools located in the school
district, in the 8th grade. The school board shall provide a pupil with at least 2
opportunities to take the examination administered under this subdivision.

SECTION 2703. 118.30 (1m) (am) 1. of the statutes, as affected by 2001
Wisconsin Act .... (this act), is amended to read:

118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
examination adopted or approved by the state superintendent board under sub. (1)
(1d) to all pupils enrolled in the school district, including pupils enrolled in charter
schools located in the school district, in the 8th grade.

SECTION 2704. 118.30 (1r) (a) of the statutes is amended to read:

118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
examination adopted or approved by the state superintendent under sub. (1) (a) to
all pupils enrolled in the charter school in the 4th grade. Beginning on July 1, 2002,
if the operator of the charter school has not developed or adopted its own 4th grade
examination, the operator of the charter school shall provide a pupil with at least 2
opportunities to take the examination administered under this subdivision.

2. Beginning on July 1, 2002, if the operator of the charter school has developed
or adopted its own 4th grade examination, administer that examination to all pupils
enrolled in the charter school in the 4th grade. The operator of the charter school
shall provide a pupil with at least 2 opportunities to take the examination
administered under this subdivision.

SECTION 2705. 118.30 (1r) (a) 1. of the statutes, as affected by 2001 Wisconsin
Act .... (this act), is amended to read:
118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade examination adopted or approved by the state superintendent board under sub. (1d) (a) to all pupils enrolled in the charter school in the 4th grade.

**SECTION 2706.** 118.30 (1r) (am) of the statutes is amended to read:

118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) (a) to all pupils enrolled in the charter school in the 8th grade. Beginning on July 1, 2002, if the operator of the charter school has not developed and adopted its own 8th grade examination, the operator of the charter school shall provide a pupil with at least 2 opportunities to take the examination administered under this subdivision.

2. Beginning on July 1, 2002, if the operator of the charter school has developed or adopted its own 8th grade examination, administer that examination to all pupils enrolled in the charter school in the 8th grade. The operator of the charter school shall provide a pupil with at least 2 opportunities to take the examination administered under this subdivision.

**SECTION 2707.** 118.30 (1r) (am) 1. of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:

118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade examination adopted or approved by the state superintendent board under sub. (1) (a) to all pupils enrolled in the charter school in the 8th grade.

**SECTION 2708.** 118.30 (1s) of the statutes is created to read:

118.30 (1s) (a) Annually, by September 15, the governing body of each private school participating in the program under s. 119.23 shall notify the board whether it will administer the examinations under par. (b) or (c) or both in the current school year.
(b) If the private school notifies the board that it will administer the examinations under this paragraph, the private school shall do all of the following:

1. Administer a standardized reading test developed by the board to all pupils attending the 3rd grade in the private school under s. 119.23.

2. Administer the 4th grade examination adopted or approved by the board under sub. (1d) (a) to all pupils attending the 4th grade in the private school under s. 119.23.

3. Administer the 8th grade examination adopted or approved by the board under sub. (1d) (a) to all pupils attending the 8th grade in the private school under s. 119.23.

4. Administer the 10th grade examination adopted or approved by the board under sub. (1d) (a) to all pupils attending the 10th grade in the private school under s. 119.23.

(c) If the private school notifies the board that it will administer the examination under this paragraph, beginning in the 2002-03 school year the private school shall administer the high school graduation examination developed by the board under sub. (1d) (b) to all pupils attending the 11th and 12th grades at the private school under s. 119.23. The governing body of the private school shall administer the examination at least twice each school year and may administer the examination only to pupils attending the 11th and 12th grades.

**Section 2709.** 118.30 (2) (b) 1. of the statutes is amended to read:

118.30 (2) (b) 1. If a pupil is enrolled in a special education program under subch. V of ch. 115, the school board or operator of the charter school under s. 118.40 (2r), or governing body of a private school participating in the program under s.
119.23 and administering any of the examinations under sub. (1s), shall comply with
s. 115.77 (1m) (bg).

**SECTION 2710.** 118.30 (2) (b) 2. of the statutes is amended to read:

118.30 (2) (b) 2. According to criteria established by the state superintendent
board by rule, the school board or operator of the charter school under s. 118.40 (2r),
or governing body of a private school participating in the program under s. 119.23
may determine not to administer an examination under this section to a
limited–English proficient pupil, as defined under s. 115.955 (7), may permit the
pupil to be examined in his or her native language, or may modify the format and
administration of an examination for such pupils.

**SECTION 2711.** 118.30 (2) (b) 5. of the statutes is created to read:

118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
body of a private school participating in the program under s. 119.23 shall excuse the
pupil from taking an examination administered under sub. (1s) (b) 2. to 4. or (c).

**SECTION 2712.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and
amended to read:

118.30 (3) (a) The state superintendent shall make available upon request,
allow a person to view an examination required to be administered under this section
if the person submits to the state superintendent a written request to do so within
90 days after the date of administration, any of the examination required to be
administered under this section. This subsection paragraph does not apply while the
an examination is being developed or validated.

**SECTION 2713.** 118.30 (3) (a) of the statutes, as affected by 2001 Wisconsin Act
.... (this act), is amended to read:
118.30 (3) (a) The state superintendent board shall allow a person to view an
examination required to be administered under this section if the person submits to
the state superintendent board a written request to do so within 90 days after the
date of administration of the examination. This paragraph does not apply while an
examination is being developed or validated.

SECTION 2714. 118.30 (3) (b) of the statutes is created to read:

118.30 (3) (b) The state superintendent shall promulgate rules establishing
procedures to administer par. (a). To the extent feasible, the rules shall protect the
security and confidentiality of the examinations required to be administered under
this section.

SECTION 2715. 118.30 (3) (b) of the statutes, as created by 2001 Wisconsin Act
.... (this act), is amended to read:

118.30 (3) (b) The state superintendent board shall promulgate rules
establishing procedures to administer par. (a). To the extent feasible, the rules shall
protect the security and confidentiality of the examinations required to be
administered under this section.

SECTION 2716. 118.30 (4) of the statutes is amended to read:

118.30 (4) The department board shall study the utility of administering
technology–based performance assessments to pupils.

SECTION 2717. 118.30 (6) of the statutes is amended to read:

118.30 (6) A school board and an operator of a charter school under s. 118.40
(2r) is not required to administer the 4th and 8th grade examinations adopted or
approved by the state superintendent board under sub. (4) (1d) if the school board
or the operator of the charter school administers its own 4th and 8th grade
examinations, the school board or operator of the charter school provides the state
superintendent board with statistical correlations of those examinations with the examinations adopted or approved by the state superintendent board under sub. (1) (1d), and the federal department of education approves.

**SECTION 2718.** 118.30 (7) of the statutes is created to read:

118.30 (7) (a) The board shall provide the examinations administered under sub. (1s) and score the examinations free of charge.

(b) The board may not disclose the results of the examinations administered under sub. (1s) except as follows:

1. The board shall publish the aggregate results of all of the examinations provided to the board.

2. The board shall report each pupil’s scores to the pupil’s parent or guardian.

**SECTION 2719.** 118.38 (1) (a) 7. of the statutes is amended to read:

118.38 (1) (a) 7. Licensure or certification certification under s. 115.28 (7) or (7m) other than the licensure of the school district administrator or business manager.

**SECTION 2720.** 118.38 (1) (a) 8. of the statutes is created to read:

118.38 (1) (a) 8. The school performance report under s. 115.38.

**SECTION 2721.** 118.39 of the statutes is created to read:

**118.39 School districts with expanded flexibility. (1)** A school board may, by October 15 of an even-numbered year, apply to the department to have its school district designated as a school district with expanded flexibility if all of the following are true:

(a) For the 2 preceding school years, the percentage of pupils enrolled in the school district who took each assessment administered under ss. 118.30 (1m) (a) and (am) and 121.02 (1) (r) and whose score on each assessment administered under ss.
118.30 (1m) (a) and (am) and 121.02 (1) (r) was at the proficient level or above was at least equal to the statewide average. This paragraph does not apply to a union high school district.

(b) For the 2 preceding school years, the percentage of pupils enrolled in the school district who took the assessment under s. 118.30 (1m) (b) and whose score on the assessment was at the proficient level or above was at least equal to the statewide average. This paragraph does not apply to the underlying elementary school district of a union high school district.

(c) Beginning in the 2004–05 school year, for the 2 preceding school years, the percentage of pupils enrolled in the school district who took and passed the high school graduation examination administered under ss. 118.30 (1m) (d) equaled or exceeded the statewide average. This paragraph does not apply to the underlying elementary school district of a union high school district.

(d) For the 2 preceding school years, the school district’s attendance rate at least equaled the statewide average attendance rate.

(e) For the 2 preceding school years, the school district’s high school graduation rate at least equaled the statewide average high school graduation rate. This paragraph does not apply to the underlying elementary school district of a union high school district.

(2) Beginning on July 1 of an odd-numbered year, the department shall designate a school district that applied for designation and met the criteria under sub. (1) as a school district with expanded flexibility. A school district retains the designation of expanded flexibility for 4 school years unless it fails to satisfy the requirements under sub. (3) and may reapply for the designation. In considering a
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reapplication, the department shall consider the school district’s success in achieving
the goals under sub. (3) (d).

(3) A school district with expanded flexibility shall do all of the following:

(a) Allocate 85% of school district revenues, including federal revenues, for use
by principals at their respective schools.

(b) Ensure that at least 95% of the pupils in the school district who are eligible
takes the assessments and high school graduation examination under s. 118.30 (1m).

(c) Allow the pupil's parent or guardian to choose the school in which to enroll
the pupil if there are at least 2 schools that offer the appropriate grade for the pupil.

(d) Ensure that each school in the school district prepares an annual plan that
includes performance goals for all pupils, for minority group pupils, for low-income
pupils, and for teachers.

(e) By July 1 of the calendar year following application under sub. (1), submit
to the department a written policy specifying how the school district will comply with
pars. (a) and (c).

(4) A school district with expanded flexibility may do all of the following:

(a) Create school governance councils, a majority of whose members are parents
of pupils enrolled in the school district, to advise school principals.

(b) Reassign staff members of schools in the school district without regard to
seniority in service.

(5) A school district with expanded flexibility, and, where appropriate, its
employees, are exempt from the requirements and free from the prohibitions of of ss.
118.015 (2) to (4), 118.017 (1), 118.019 (2), (3), and (5), 118.02, 118.03 (1), 118.153 (2)
(a), 118.162, 118.18, 118.22, 118.258, 118.33 (1) (b), 118.34 (1) and (3), 118.35 (3),
(6) (a) By November 15 of each even-numbered year, the department shall identify which school districts are eligible to receive the designation of expanded flexibility.

(b) From the appropriation under s. 20.255 (2) (fr), the department shall, in the school year of identification under par. (a), award grants on a competitive basis to school districts identified under par. (a) to help implement school district decentralization plans, including training and providing technical assistance to teachers to prepare them to work in decentralized school districts, meeting the requirements under sub. (3), and creating school governances councils under sub. (4) (a). The amount of a grant under this paragraph may not exceed $7,500 multiplied by the number of schools in the school district or $100,000, whichever is less. A grant recipient under this paragraph may spend the grant moneys during the school year the grant is awarded and during the following school year.

(c) From the appropriation under s. 20.255 (2) (fs), the department shall, in the school year of identification under par. (a), award grants on a competitive basis to individual school districts identified under par. (a), to consortia consisting of 2 or more school districts identified under par. (a), or to consortia consisting of 2 or more school districts identified under par. (a) and a statewide organization that is a member of the School Administrators Alliance, that submit written plans specifying how the grant moneys will be used to train superintendents, principals, and prospective principals to decentralize the administration of their school districts and work effectively in decentralized school districts. A grant recipient under this
paragraph may spend the grant moneys during the school year the grant is awarded and during the following school year.

(7) The department shall promulgate rules to implement and administer this section.

SECTION 2722. 118.40 (2r) (a) of the statutes is repealed and recreated to read:

118.40 (2r) (a) In this subsection:

1. “Membership” means the sum of the number of pupils attending the charter school in the current school year and the summer average daily membership equivalent, as defined in s. 121.004 (8), for the summer of the previous school year.

2. “University” has the meaning given in s. 36.05 (13).

SECTION 2723. 118.40 (2r) (b) of the statutes is amended to read:

118.40 (2r) (b) The common council of the city of Milwaukee, the chancellor of the University of Wisconsin−Milwaukee and the Milwaukee area university within the University of Wisconsin System, the board of control of a cooperative educational service agency, and a technical college district board may establish by charter and operate a charter school or, on behalf of their respective entities, may initiate a contract with an individual or group to operate a school as a charter school. A charter shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter school on the liability of the contracting entity under this paragraph. The contract may include other provisions agreed to by the parties. The chancellor of the University of Wisconsin−Milwaukee a university within the University of Wisconsin System may not establish or enter into a contract for the establishment of a charter school under this paragraph without the approval of the board of regents of the University of Wisconsin System.
**SECTION 2724.** 118.40 (2r) (c) of the statutes is repealed and recreated to read:

118.40 (2r) (c) Only pupils who reside in the school district in which the charter school is located may attend the charter school, except that, if the charter school is established or operated by the board of control of a cooperative educational service agency, a pupil who resides in any school district served by the cooperative educational service agency may attend the charter school.

**SECTION 2725.** 118.40 (2r) (e) of the statutes is amended to read:

118.40 (2r) (e) From the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this paragraph in the previous school year and the amount of revenue increase per pupil allowed under subch. VII of ch. 121 in the current school year, multiplied by the number of pupils attending the charter school membership. The department shall pay 25% of the total amount in September, 25% in December, 25% in February, and 25% in June. The department shall send the check to the operator of the charter school.

**SECTION 2726.** 118.40 (7) (am) 2. of the statutes is amended to read:

118.40 (7) (am) 2. A charter school established under sub. (2r) or a private school located in the school district operating under ch. 119 that is converted to a charter school is not an instrumentality of the any school district operating under ch. 119 and the no school board of that school district may not employ any personnel for the charter school.

**SECTION 2727.** 118.40 (8) of the statutes is repealed.

**SECTION 2728.** 118.40 (9) of the statutes is created to read:

118.40 (9) **Charter School Development Loans.** Beginning in the 2002−03 school year, from the appropriations under ss. 20.255 (2) (fz), (g), and (m), the state
superintendent shall make loans to school districts to support the establishment of
charter schools, other than charter schools established under sub. (2r). The funds
may be used for capital expenditures, staff or curriculum development, or other costs
of starting a charter school. The state superintendent shall allocate a total of
$1,000,000 in the appropriation under s. 20.255 (2) (m) for loans under this
subsection. The term of a loan under this subsection is 5 years. The state
superintendent shall specify the annual repayment amount.

SECTION 2729. 118.43 (2) (f) of the statutes is repealed.

SECTION 2730. 118.43 (2) (g) of the statutes is created to read:

118.43 (2) (g) The department may renew an achievement guarantee contract
under pars. (b), (bg), and (br) for one or more terms of 5 school years. As a condition
of receiving payments under a renewal of an achievement guarantee contract, a
school board shall maintain the reduction of class size achieved during the last school
year of the original achievement guarantee contract for the grades specified for the
last school year of the contract.

SECTION 2731. 118.43 (3) (ar) (intro.) of the statutes is renumbered 118.43 (3)
(ar) 1m. (intro.) and amended to read:

118.43 (3) (ar) 1m. (intro.) For contracts that begin in the 2000–01 school year
on behalf of schools whose low-income pupil enrollment in the 2000–01 school year
was at least 50%, reduce each class size to 15 in the following manner:

SECTION 2732. 118.43 (3) (ar) 1. to 3. of the statutes are renumbered 118.43 (3)
ar 1m. a. to c.

SECTION 2733. 118.43 (3) (ar) 2m. of the statutes is created to read:

118.43 (3) (ar) 2m. For contracts that begin in the 2000–01 school year on behalf
of schools whose low-income pupil enrollment in the 2000–01 school year was less
than 50%, maintain for the 2001–02 to 2004–05 school years the reduced class size achieved during the 2000–01 school year in at least grades kindergarten and one.

**SECTION 2734.** 118.43 (6) (b) 7. of the statutes is amended to read:

118.43 (6) (b) 7. In the 2001–02 and 2002–03 school years, $2,000 multiplied by the number of low-income pupils enrolled in grades eligible for funding in each school in the school district covered by contracts under sub. (3) (am) and by renewals of contracts under sub. (2) (g). After making these payments, the department shall pay school districts on behalf of schools that are covered by contracts under sub. (3) (ar), an amount equal to $2,000 multiplied by the number of low-income pupils enrolled in grades eligible for funding in each school in the school district covered by contracts under sub. (3) (ar).

**SECTION 2735.** 118.43 (6) (b) 8. of the statutes is amended to read:

118.43 (6) (b) 8. In the 2003–04 and 2004–05 school years, $2,000 multiplied by the number of low-income pupils enrolled in grades eligible for funding in each school in the school district covered by contracts under sub. (3) (ar) and by renewals of contracts under sub. (2) (g).

**SECTION 2736.** 118.43 (7) of the statutes is amended to read:

118.43 (7) Evaluation. Beginning in the 1996–97 school year, the department shall arrange for an evaluation of the program under this section and shall allocate from the appropriation under s. 20.255 (2) (cu) $250,000 $125,000 for that purpose. To ensure an impartial evaluation, the department shall select an evaluator by using a competitive process.

**SECTION 2737.** 118.43 (7) of the statutes, as affected by 2001 Wisconsin Act .... (this act), is amended to read:
118.43 (7) Evaluation. Annually, the department board on education evaluation and accountability shall arrange for an evaluation of the program under this section and shall allocate from the appropriation under s. 20.255 (2) (cu) 20.505 (4) (cw) $125,000 for that purpose. To ensure an impartial evaluation, the department board shall select an evaluator by using a competitive process.

SECTION 2738. 118.51 (3) (a) 2. of the statutes is amended to read:

118.51 (3) (a) 2. A nonresident school board may not act on any application received under subd. 1. until after the 3rd Friday following the first Monday in February. If a nonresident school board receives more applications for a particular grade or program than there are spaces available in the grade or program, the nonresident school board shall determine which pupils to accept on a random basis, after giving preference to pupils and to siblings of pupils who are already attending public school in the nonresident school district. If a nonresident school board determines that space is not otherwise available for open enrollment pupils in the grade or program to which an individual has applied, the school board may nevertheless accept an applicant who is already attending school in the nonresident school district or a sibling of the applicant.

SECTION 2739. 118.51 (4) (a) 3. of the statutes is amended to read:

118.51 (4) (a) 3. A statement of the preference required under sub. (5) (e) (3) (a) 2.

SECTION 2740. 118.51 (5) (a) (intro.) of the statutes is amended to read:

118.51 (5) (a) Permissible criteria. (intro.) Except as provided in par. (c) sub. (3) (a) 2., the criteria for accepting and rejecting applications from nonresident pupils under sub. (3) (a) may include only the following:

SECTION 2741. 118.51 (5) (a) 1. of the statutes is amended to read:
118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or
grades within the nonresident school district, including any. In determining the
availability of space, the nonresident school board may consider criteria such as class
size limits, pupil–teacher ratios, pupils attending the school district for whom tuition
is paid under s. 121.78 (1) (a) or enrollment projections established by the
nonresident school board and may include in its count of occupied spaces pupils
attending the school district for whom tuition is paid under s. 121.78 (1) (a) and
pupils and siblings of pupils who have applied under sub. (3) (a) and are already
attending public school in the nonresident school district.

Section 2742. 118.51 (5) (c) of the statutes is repealed.

Section 2743. 118.51 (16) (a) 3. of the statutes is amended to read:

118.51 (16) (a) 3. The Two-thirds of the statewide average per pupil school
district cost for regular instruction, cocurricular activities, instructional support
services and pupil support services in the previous school year.

Section 2744. 118.52 (11) (b) of the statutes is amended to read:

118.52 (11) (b) Low-income assistance. The parent of a pupil who is attending
a course in a public school in a nonresident school district under this section may
apply to the department for reimbursement of the costs incurred by the parent for
the transportation of the pupil to and from the pupil's residence or school in which
the pupil is enrolled and the school at which the pupil is attending the course if the
pupil and parent are unable to pay the cost of such transportation. The department
shall determine the reimbursement amount and shall pay the amount from the
appropriation under s. 20.255 (2) (cw) (cy). The department shall give preference
under this paragraph to those pupils who are eligible for a free or reduced-price
lunch under 42 USC 1758 (b).
**SECTION 2745.** 119.18 (23) of the statutes is renumbered 118.36 and amended to read:

118.36 School closings. The school board may close any school that it determines is low in performance by adopting a resolution to that effect. If the superintendent of schools recommends to the school board that a school be closed for low performance, he or she shall state the reasons for the recommendation in writing. If the school board closes a school that is low in performance, the superintendent of schools may reassign the school’s staff members without regard to seniority in service. If the school board reopens the school, the superintendent of schools may reassign staff members to the school without regard to seniority in service.

**SECTION 2746.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

119.23 (2) (a) (intro.) Subject to par. (b), any pupil in grades kindergarten to 12 who resides within the city or any private school located outside the city that is situated on property any portion of which is located in the city may attend, at no charge, any private school located in the city if all of the following apply:

**SECTION 2747.** 119.23 (2) (a) 1. of the statutes is amended to read:

119.23 (2) (a) 1. The pupil is a member of a family that has a total family income that does not exceed an amount equal to 1.75 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

**SECTION 2748.** 119.23 (2) (a) 3. of the statutes is amended to read:

119.23 (2) (a) 3. The private school notified the state superintendent of its intent to participate in the program under this section by February 1 of the
previous school year. The notice shall specify the number of pupils participating in
the program under this section for which the school has space.

SECTION 2749. 119.23 (2) (c) of the statutes is created to read:

119.23 (2) (c) 1. If the department receives a notice from a private school under
par. (a) 3., by March 1 the department shall notify the private school whether it is
eligible to participate in the program under this section. If the department
determines that the private school is ineligible, the notice shall include an
explanation of that determination.

2. If the department determines under subd. 1. that a private school is
ineligible, the private school may appeal the decision to the department within 14
days after the decision. The department shall approve, reverse, or modify its decision
within 7 days of receiving an appeal.

SECTION 2750. 119.23 (2) (d) of the statutes is created to read:

119.23 (2) (d) By August 1, a private school that intends to participate in the
program under this section in the current school year shall submit to the department
a report stating the number of pupils that will attend the private school under this
section in the current school year.

SECTION 2751. 119.23 (2) (e) of the statutes is created to read:

119.23 (2) (e) A pupil who attends a private school under this section is eligible
to attend a private school under this section in succeeding school years even if the
pupil no longer meets the criterion under par. (a) 1.

SECTION 2752. 119.23 (4) (a) of the statutes is amended to read:

119.23 (4) (a) Annually, on or before October 15 September 1, a private school
participating in the program under this section shall file with the department a
report stating its summer average daily membership equivalent and its summer choice average daily membership equivalent for the purpose of sub. (4m).

**SECTION 2753.** 119.23 (5) of the statutes is amended to read:

119.23 (5) The state superintendent shall in order to ensure that pupils and parents and guardians of pupils who reside in the city are informed annually of the private schools participating in the program under this section, annually by May 15 the state superintendent shall publish a list of the private schools that have been determined under sub. (2) (c) to be eligible to participate in the program under this section in the succeeding school year.

**SECTION 2754.** 119.235 of the statutes is renumbered 118.37, and 118.37 (1), (2) (intro.), (b), (d), (e) 2. and (f) and (3) to (5), as renumbered, are amended to read:

118.37 (1) The school board may contract with any nonsectarian private school located in the city school district or any nonsectarian private agency located in the city school district to provide educational programs to pupils enrolled in the school district operating under this chapter. The school board shall ensure that each private school or agency under contract with the board complies with ss. 118.125 and 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42 USC 2000d, and 42 USC 6101 to 6107, and all health and safety laws and rules that apply to public schools.

(2) (intro.) Each private school or agency under contract with the school board shall do all of the following:

(b) Participate in the school board’s parent information program.

(d) Meet insurance and financial requirements established by the school board.

(e) 2. A pupil selection process that gives preference to the siblings of enrolled pupils and that gives no other preferences except those approved by the school board.
(f) Report to the school board any information requested by the school board.

(3) Any pupil enrolled in the school district operating under this chapter may attend, at no charge, any private school or agency with which the school board has contracted under sub. (1) if space is available in the private school or agency.

(4) The school board shall establish appropriate, quantifiable performance standards for pupils at each private school or agency with which it contracts in such areas as attendance, reading achievement, pupil retention, pupil promotion, parent surveys, credits earned, and grade point average.

(5) Annually, the school board shall monitor the performance of the program under this section. The school board may use the results of standardized basic educational skills tests to do so. The school board shall include a summary of its findings in its annual report to the state superintendent under s. 119.44.

SECTION 2755. 119.48 (4) (b) of the statutes is amended to read:

119.48 (4) (b) The communication shall state the purposes for which the funds from the increase in the levy rate will be used and shall request the common council to submit to the voters of the city the question of exceeding the levy rate specified in s. 65.07 (1) (f) at the September election or a special election.

SECTION 2756. 119.48 (4) (c) of the statutes is amended to read:

119.48 (4) (c) Upon receipt of the communication, the common council shall file the communication as provided in s. 8.37 and shall cause the question of exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city at the September election or at a special election next regularly scheduled spring election or general election that occurs not sooner than 42 days after receipt of the communication or at a special election held on the Tuesday after the first Monday in November in an odd-numbered year if that date occurs not sooner than 42 days after
receipt of the communication. The question of exceeding the levy rate specified under s. 65.07 (1) (f) shall be submitted so that the vote upon exceeding the levy rate specified in s. 65.07 (1) (f) is taken separately from any other question submitted to the voters. If a majority of the electors voting on the question favors exceeding the levy rate specified under s. 65.07 (1) (f), the common council shall approve the increase in the levy rate and shall levy and collect a tax equal to the amount of money approved by the electors.

SECTION 2757. 119.49 (1) (b) of the statutes is amended to read:

119.49 (1) (b) The communication shall state the amount of funds needed under par. (a) and the purposes for which the funds will be used and shall request the common council to submit to the voters of the city at the next election held in the city the question of issuing school bonds in the amount and for the purposes stated in the communication.

SECTION 2758. 119.49 (2) of the statutes is amended to read:

119.49 (2) Upon receipt of the communication, the common council shall file the communication as provided in s. 8.37 and shall cause the question of issuing such school bonds in the stated amount and for the stated school purposes to be submitted to the voters of the city at the next election held in the city regularly scheduled spring election or general election that occurs not sooner than 42 days after receipt of the communication or at a special election held on the Tuesday after the first Monday in November in an odd-numbered year if that date occurs not sooner than 42 days after receipt of the communication. The question of issuing such school bonds shall be submitted so that the vote upon issuing such school bonds is taken separately from any other question submitted to the voters. If a majority of the electors voting on the school bond question favors issuing such school bonds, the common council shall
cause the school bonds to be issued immediately or within the period permitted by law, in the amount requested by the board and in the manner other bonds are issued.

SECTION 2759. 120.06 (5) of the statutes is repealed.

SECTION 2760. 120.12 (15) of the statutes is amended to read:

120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term. This subsection shall not be construed to eliminate a school district’s duty to bargain with the employee’s collective bargaining representative over any calendaring proposal which is primarily related to collectively with respect to the impact of the school calendar on wages, hours, and conditions of employment.

SECTION 2761. 121.004 (6) of the statutes is amended to read:

121.004 (6) NET COST. The “net cost” of a fund means the gross cost of that fund minus all nonduplicative revenues and other financing sources of that fund except property taxes and general aid, and aid received under s. 79.095 (4). In this subsection, “nonduplicative revenues” includes federal financial assistance under 20 USC 236 to 245, to the extent permitted under federal law and regulations.

SECTION 2762. 121.007 of the statutes is amended to read:

121.007 Use of state aid; exemption from execution. All moneys paid to a school district under s. 20.255 (2) (ac), (bc), (cg), and (cr) and (q) shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment, or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employees and as to claims for school materials, supplies, fuel, and current repairs.
SECTION 2763. 121.02 (1) (a) 1. of the statutes is amended to read:

121.02 (1) (a) 1. Ensure that every teacher, supervisor, administrator and professional staff member holds a certificate, license or permit to teach issued by the department before entering on duties for such position. This subdivision does not apply to supervisors, administrators, or noninstructional, professional staff members of school boards with expanded flexibility under s. 118.39.

SECTION 2764. 121.02 (1) (r) of the statutes is amended to read:

121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer a standardized reading test developed by the department board on education evaluation and accountability to all pupils enrolled in the school district in grade 3, including pupils enrolled in charter schools located in the school district.

SECTION 2765. 121.05 (1) (a) 10. of the statutes is amended to read:

121.05 (1) (a) 10. Pupils attending a private school or agency under contract with the board under s. 119.235 118.37.

SECTION 2766. 121.07 (6) (d) 1. of the statutes is repealed and recreated to read:

121.07 (6) (d) 1. The “secondary ceiling cost per member” is $6,900 in the 2001–02 school year and $7,300 in the 2002–03 school year.

SECTION 2767. 121.07 (6) (d) 2. of the statutes is amended to read:

121.07 (6) (d) 2. The “secondary ceiling cost per member” in the 1997–98 2003–04 school year and in each school year thereafter is an amount determined by multiplying the secondary ceiling cost per member in the previous school year by 1.0 plus the rate certified under s. 73.03 (46) expressed as a decimal.

SECTION 2768. 121.09 (1) of the statutes is amended to read:

121.09 (1) If, on or after July 1, 1980, the tax appeals commission or a court makes a final redetermination on the assessment of property subject to taxation
under s. 70.995 that is lower than the previous assessment, or if, on or after January 1, 1982, the state board of assessors makes a final redetermination on the assessment of property subject to taxation under s. 70.995 that is lower than the previous assessment, the school board of the school district in which the property is located may, within 4 years after the date of the determination, decision, or judgment, file the determination of the state board of assessors, the decision of the tax appeals commission, or the judgment of the court with the state superintendent, requesting an adjustment in state aid to the school district. If the state superintendent determines that the determination, decision, or judgment is final and that it has been filed within the 4-year period, the state shall pay to the school district in the subsequent fiscal year, from the appropriations under s. 20.255 (2) (ac) and (q), an amount equal to the difference between the state aid computed under s. 121.08 for the school year commencing after the year subject to the valuation recertification, using the school district’s equalized valuation as originally certified, and the state aid computed under s. 121.08 for that school year using the school district’s equalized valuation as recertified under s. 70.57 (2).

**Section 2769.** 121.105 (2) (a) 1. of the statutes is renumbered 121.105 (2) (am) and amended to read:

121.105 (2) (am) If a school district would receive less in state aid in the current year **before any adjustment is made under s. 121.15 (4) (b) than an amount equal to 85% of the sum of the state aid that it received in the previous school year and the adjustment, if any, made under s. 121.15 (4) (b) in the current school year**, its state aid for the current school year shall be increased to an amount equal to 85% of the state aid received in the previous school year.

**Section 2770.** 121.105 (2) (a) 2. of the statutes is repealed.
**SECTION 2771.** 121.105 (2) (a) 3. of the statutes is repealed.

**SECTION 2772.** 121.105 (3) of the statutes is amended to read:

121.105 (3) In the school year in which a school district consolidation takes effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the consolidated school district’s state aid shall be an amount that is not less than the aggregate state aid received by the consolidating school districts in the school year prior to the school year in which the consolidation takes effect. The additional state aid shall be paid from the appropriation under s. 20.255 (2) (ac) and (q).

**SECTION 2773.** 121.14 (1) of the statutes is amended to read:

121.14 (1) State aid shall be paid to each district, operator of a charter school under s. 118.40 (2r), or county children with disabilities education board only for those academic summer classes or laboratory periods that are for necessary academic purposes, as defined by the state superintendent by rule. Recreational programs and team sports shall not be eligible for aid under this section, and pupils participating in such programs shall not be counted as pupils enrolled under s. 121.004 (5) nor shall costs associated with such programs be included in shared costs under s. 121.07 (6).

**SECTION 2774.** 121.14 (2) (b) of the statutes is amended to read:

121.14 (2) (b) Annually on or before October 1, the school district clerk, appropriate administrator of a charter school under s. 118.40 (2r), or chairperson of the county children with disabilities education board shall file with the department a report stating the summer average daily membership equivalent.

**SECTION 2775.** 121.15 (1m) (a) (intro.) and 3. of the statutes are consolidated, renumbered 121.15 (1m) (a) and amended to read:
121.15 (1m) (a) Notwithstanding subs. (1) and (1g), a portion of state aid to school districts shall be distributed as follows: 3. Beginning in the 1999-2000 school year, annually the state shall pay to school districts, from the appropriation under s. 20.255 (2) (ac), $75,000,000 on the 4th Monday in July of the following school year.

**SECTION 2776.** 121.15 (1m) (a) 1. of the statutes is repealed.

**SECTION 2777.** 121.15 (1m) (a) 2. of the statutes is repealed.

**SECTION 2778.** 121.15 (1m) (b) of the statutes is amended to read:

121.15 (1m) (b) The percentages under subs. (1) (a) and (1g) (a) shall be reduced proportionally to reflect the payments made under par. (a). School districts shall treat the payments made in July under par. (a) as if they had been received in the previous school year.

**SECTION 2779.** 121.15 (3m) (a) 1. of the statutes is amended to read:

121.15 (3m) (a) 1. “Partial school revenues” means the sum of state school aids, other than the amounts appropriated under s. 20.255 (2) (bi) and (cv); property taxes levied for school districts; and aid paid to school districts under s. 79.095 (4), less the amount of any revenue limit increase under s. 121.91 (4) (a) 2. due to a school board's increasing the services that it provides by adding responsibility for providing a service transferred to it from another school board, less the amount of any revenue limit increase under s. 121.91 (4) (a) 3., and less the amount of any revenue limit increase under s. 121.91 (4) (h).

**SECTION 2780.** 121.79 (1) (d) (intro.) of the statutes is amended to read:

121.79 (1) (d) (intro.) For pupils in foster homes, treatment foster homes, or group homes, if the foster home, treatment foster home, or group home is located...
outside the school district in which the pupil’s parent or guardian resides and either
of the following applies:

SECTION 2781. 121.79 (1) (d) 1. of the statutes is repealed.

SECTION 2782. 121.79 (1) (d) 3. of the statutes is created to read:

121.79 (1) (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5),
and at least 4% of the pupils enrolled in the school district reside in foster homes,
treatment foster homes, or group homes that are not exempt under s. 70.11.
Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this
subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

SECTION 2783. 121.85 (6) (e) of the statutes is amended to read:

121.85 (6) (e) Sources of aid payments. State aid under this section shall be
paid from the appropriation under s. 20.255 (2) (ac) and (q).

SECTION 2784. 121.85 (8) of the statutes is amended to read:

121.85 (8) TRANSFERRED PUPILS. Pupils transferring schools under this section
shall be subject to the same rules and regulations as resident pupils and shall have
the responsibilities, privileges, and rights of resident pupils in the school district or
attendance area. Subject to this subsection, a pupil transferring schools under either
sub. (3) (a) or (b) has the right to complete his or her education at the elementary,
middle, or high school to which he or she transfers so long as full funding therefor
is available under s. 20.255 (2) (ac) and (q).

SECTION 2785. 121.85 (9) (c) of the statutes is amended to read:

121.85 (9) (c) The obligation under par. (a) to organize planning councils shall
apply only with regard to school terms for which full pupil transfer aids are
appropriated under s. 20.255 (2) (ac) and (q) and planning council assistance funds
are appropriated under s. 20.255 (1) (a).
SECTION 2786. 121.90 (1) (d) of the statutes is amended to read:

121.90 (1) (d) In determining a school district’s revenue limit in the 2001–02 school year, a number equal to 20% of the summer enrollment in the year 1999 shall be included in the number of pupils enrolled on the 3rd Friday of September 1999; a number equal to 40% of the summer enrollment in the year 2000 shall be included in the number of pupils enrolled on the 3rd Friday of September 2000; and a number equal to 40% of the summer enrollment in the year 2001 shall be included in the number of pupils enrolled on the 3rd Friday of September 2001.

SECTION 2787. 121.90 (1) (dm) of the statutes is amended to read:

121.90 (1) (dm) In determining a school district’s revenue limit in the 2002–03 school year, a number equal to 40% of the summer enrollment in the year 2000 shall be included in the number of pupils enrolled on the 3rd Friday of September 2000; a number equal to 40% of the summer enrollment in the year 2001 shall be included in the number of pupils enrolled on the 3rd Friday of September 2001; and a number equal to 40% of the summer enrollment in the year 2002 shall be included in the number of pupils enrolled on the 3rd Friday of September 2002.

SECTION 2788. 121.90 (1) (dr) of the statutes is amended to read:

121.90 (1) (dr) In determining a school district’s revenue limit in the 2003–04 school year and in each school year thereafter, a number equal to 40% of the summer enrollment shall be included in the number of pupils enrolled on the 3rd Friday of September of each appropriate school year.

SECTION 2789. 121.905 (1) of the statutes is amended to read:

121.905 (1) In this section, “revenue ceiling” means $6,300 in the 1999–2000 school year and in any subsequent school year means $6,500.
SECTION 2790. 121.905 (3) (c) of the statutes is repealed and recreated to read:

121.905 (3) (c) For the limit for the 2001–02 school year or for any school year thereafter, add $220.29 to the result under par. (b).

SECTION 2791. 121.91 (2m) (e) (intro.) of the statutes is amended to read:

121.91 (2m) (e) (intro.) Except as provided in subs. (3) and (4), no school district may increase its revenues for the 1999–2000 2001–02 school year or for any school year thereafter to an amount that exceeds the amount calculated as follows:

SECTION 2792. 121.91 (2m) (e) 2. of the statutes is repealed.

SECTION 2793. 121.91 (2m) (e) 3. of the statutes is repealed and recreated to read:

121.91 (2m) (e) 3. Add $220.29 to the result under subd. 1.

SECTION 2794. 121.91 (2m) (r) 1. b. of the statutes is repealed and recreated to read:

121.91 (2m) (r) 1. b. Add $220.29 to the result under subd. 1. a.

SECTION 2795. 121.91 (2m) (r) 2. b. of the statutes is amended to read:

121.91 (2m) (r) 2. b. For the school year beginning on the first July 1 following the effective date of the reorganization the average of the number of pupils in the current and the previous school years shall be used under pars. (c) 4., (d) 4., and (e) 3. 4. instead of the average of the number of pupils in the current and the 2 preceding school years.

SECTION 2796. 121.91 (3) (a) of the statutes is amended to read:

121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m) otherwise applicable to the school district in any school year, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify whether the
proposed excess revenue is for a recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes, the amount of the proposed excess revenue for each purpose. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the school board shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department. The school board shall call a special referendum for the purpose of submitting the resolution to the electors of the school district for approval or rejection. In lieu of a special referendum, the school board may specify that the referendum be held at the next succeeding spring primary or September primary or general election, if such election is to be held not sooner than 42 days after the filing of the resolution of the school board, or at a special election held on the Tuesday after the first Monday in November in an odd-numbered year if that date occurs not earlier than 42 days after the filing of the resolution of the school board. The school district clerk shall certify the results of the referendum to the department within 10 days after the referendum is held.

Section 2797. 121.91 (4) (dg) of the statutes is created to read:

121.91 (4) (dg) Notwithstanding par. (d), if a school district’s revenue in the preceding school year was less than the limit under sub. (2m) in the preceding school year, the school district received an increase in aid under s. 121.15 (4) (b) in the current school year, and the increase in aid was less than the amount determined under subd. 2., the limit otherwise applicable to the school district’s revenue in the current school year under sub. (2m) is increased by an amount determined as follows:

1. Determine the increase in aid under s. 121.15 (4) (b).

2. Subtract the school district’s revenue in the preceding school year from the school district’s limit under sub. (2m) in the preceding school year.
3. Subtract from subd. 2. the amount determined under subd. 1. and multiply the remainder by 0.75.

4. Add the results under subds. 1. and 3.

**SECTION 2798.** 121.91 (4) (dr) of the statutes is created to read:

121.91 (4) (dr) Notwithstanding par. (d), if a school district’s revenue in the preceding school year was less than the limit under sub. (2m) in the preceding school year, the school district received an increase in aid under s. 121.15 (4) (b) in the current school year, and the increase in aid was equal to or greater than the amount determined under par. (dg) 2., the limit otherwise applicable to the school district’s revenue in the current school year under sub. (2m) is increased by the difference between the amount of its revenue in the preceding school year and the amount of the limit in the preceding school year under sub. (2m).

**SECTION 2799.** 121.92 (2) (c) of the statutes is amended to read:

121.92 (2) (c) If the amount of the deductions under pars. (a) and (b) is insufficient to cover the excess revenue, order the school board to reduce the property tax obligations of its taxpayers by an amount that represents the remainder of the excess revenue. The school district’s refunds to taxpayers who have already paid their taxes shall be increased by interest at the rate of 0.5% per month. If the school board violates the order, any resident of the school district may seek injunctive relief. This paragraph does not apply to property taxes levied for the purpose of paying the principal and interest on valid bonds or notes issued by the school board.

**SECTION 2800.** 125.04 (12) (c) of the statutes is created to read:

125.04 (12) (c) Retail license or permit for the same premises. No municipality may issue a Class “A,” “Class A,” Class “B,” “Class B,” or “Class C” license, and the department may not issue a Class “B” or “Class B” permit, to an applicant if the
premises described in the application for a license or permit is already covered by a current license or permit of the same kind unless all of the following apply:

1. The applicant provides proof to the municipality or department that, not less than 15 days nor more than 30 days before submitting the application, the current licensee or permittee for the premises has provided to the applicant the name and address of each fermented malt beverages wholesaler to whom the current licensee or permittee is indebted.

2. The applicant provides proof to the municipality or department that, not less than 15 days nor more than 30 days before submitting the application, the applicant has notified each wholesaler identified under subd. 1. of the address and current name of the premises for which the license or permit application is made, of the name and address of the current licensee or permittee, and that the applicant is applying for a license or permit for the premises.

3. The current licensee or permittee is not in violation of s. 125.33 (7) or 125.69 (4) unless the violation consists of an indebtedness discharged in bankruptcy.

4. The current licensee or permittee is not the subject of any proceeding under s. 125.12.

SECTION 2801. 125.05 (2) (h) of the statutes is amended to read:

125.05 (2) (h) Number of electors. The number of electors in a residence district shall equal not less than the number of names with residences in the district which appear on the registration list, as defined in s. 5.02 (17). If there is no registration list, the number of electors shall equal the number of names with residences in the district which appear on a poll list as defined in s. 5.02 (14) compiled at the last gubernatorial or presidential election, whichever is most recent, for the residence district on the date that the remonstrance, consent, or counter petition is filed. A
person whose name does not appear on a registration list or poll list may not sign a protest petition, consent or counter petition.

**SECTION 2802.** 125.06 (8) of the statutes is amended to read:

125.06 (8) **SALE BY SECURED PARTY.** The sale of alcohol beverages by a secured party in good faith under the terms of a security agreement, if the sale is not for the purpose of avoiding this chapter or ch. 139. The sale must be in the ordinary course of the business of lending money secured by a security interest in alcohol beverages or warehouse receipts or other evidence of ownership. A sale of fermented malt beverages must be made within 30 days after the secured party takes possession of the fermented malt beverages unless the secured party demonstrates good cause why a sale in compliance with s. 409.504 or the security agreement cannot be made within this time period.

**SECTION 2803.** 125.145 of the statutes is amended to read:

125.145 **Prosecutions by attorney general.** Upon request by the secretary of revenue, the attorney general may represent this state or assist a district attorney in prosecuting any case arising under this chapter. Notwithstanding s. 971.19 (6), upon request by the secretary of revenue, the attorney general may commence any action to enforce s. 125.30 (1) in the circuit court for Dane County.

**SECTION 2804.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing body may issue an operator’s license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the
educational approval board, or unless the applicant fulfills one of the following requirements:

Section 2805. 125.30 (6) of the statutes is created to read:

125.30 (6) Notwithstanding s. 125.11, the department shall issue a written warning to any person located outside this state who sells or ships fermented malt beverages into this state in violation of sub. (1) if the person has not previously received a warning under this section. Any person located outside this state who sells or ships fermented malt beverages into this state in violation of sub. (1) and who has been previously issued a written warning under this subsection shall be fined not more than $10,000 or imprisoned for not more than 2 years or both.

Section 2806. 125.33 (2) (a) of the statutes is amended to read:

125.33 (2) (a) Give to any campus or Class “B” licensee or permittee, during any calendar year, for placement inside the premises, signs, clocks, or menu boards with an aggregate value of not more than $150 $2,500. If a gift of any item would cause the $150 $2,500 limit to be exceeded, the recipient shall pay the brewer or wholesaler the amount of the item’s value in excess of $150 $2,500. Each recipient shall keep an invoice or credit memo containing the name of the donor. Both the donating brewer or wholesaler and the recipient shall keep written documentation containing the name of the recipient and donor and the number and value of items received provided under this paragraph. The value of an item is its cost to the donor. Each donor and recipient shall make the records kept under this paragraph available to the department for inspection upon request.

Section 2807. 125.33 (2) (b) 2. of the statutes is amended to read:
125.33 (2) (b) 2. Signs made from paper or cardboard, plastic, or vinyl, or signs made from other materials with a useful life of less than one year, for placement inside the premises, not withstanding the aggregate value limitation of par. (a).

**SECTION 2808.** 125.33 (2) (L) of the statutes is renumbered 125.33 (2) (L) 1.

**SECTION 2809.** 125.33 (2) (L) 2. of the statutes is created to read:

125.33 (2) (L) 2. Purchase advertising from any person who does not hold a license or permit under this chapter and who conducts a bona fide advertising, promotional, or media business, to promote brewer or wholesaler sponsored sweepstakes, contests, or promotions on the premises of Class “B” licensees or permittees if the advertising or promotional material or media includes at least 5 unaffiliated Class “B” licensees and if the Class “B” licensee on whose premises the event will occur does not receive compensation, directly or indirectly, for hosting the event.

**SECTION 2810.** 125.33 (2) (L) 3. of the statutes is created to read:

125.33 (2) (L) 3. Conduct its own sweepstakes, contests, or promotions on the premises of Class “B” licensees or permittees if the advertising or promotional material or media for the event includes at least 5 unaffiliated Class “B” licensees and if the Class “B” licensee on whose premises the event will occur does not receive compensation, directly or indirectly, for hosting the event.

**SECTION 2811.** 125.33 (2) (n) 2. of the statutes is amended to read:

125.33 (2) (n) 2. Notwithstanding subd. 1., no brewer or wholesaler may provide business entertainment to a Class “B” licensee or permittee under subd. 1. in one day that has a value exceeding $75 $500, and no brewer or wholesaler may provide business entertainment to a Class “B” licensee or permittee under subd. 1. on more than 12 days in any calendar year.
Section 2812. 125.33 (2s) of the statutes is amended to read:

125.33 (2s) Exception for retail trade association contributions. Notwithstanding the prohibitions in sub. (1), a brewer that produces 350,000 or more barrels of fermented malt beverages annually or wholesaler may contribute money or other things of value to a bona fide national or statewide, or local trade association which derives its principle income from membership dues of Class "B" licensees.

Section 2813. Chapter 126 of the statutes is created to read:

Chapter 126

Agricultural producer security

Subchapter I

General

126.01 General definitions. In this chapter:

(1) "Affiliate" means any of the following persons:

(a) An owner, major stockholder, partner, officer, director, member, employee, or agent of a contractor.

(b) A person owned, controlled, or operated by a person under par. (a).

(2) "Asset" means anything of value owned by a person.

(3) "Audited financial statement" means a financial statement on which an independent certified public accountant, or an independent public accountant holding a certificate of authority under ch. 442, has done all of the following:

(a) Stated that the financial statement presents fairly, in all material respects, the financial position of a contractor as of a specific date or for a specific period, according to one of the following:

1. Generally accepted accounting principles.
2. The historical cost basis method of accounting, if the financial statement is a sole proprietor’s personal financial statement and the financial statement is prepared on a historical cost basis.

(b) Conducted an audit according to generally accepted auditing standards.

(4) “Balance sheet” means a statement of assets, liabilities, and equity on a specific date.

(5) “Contractor,” unless otherwise qualified, means any of the following:

(a) A grain dealer, as defined in s. 126.10 (9).

(b) A grain warehouse keeper, as defined in s. 126.25 (9).

(c) A milk contractor, as defined in s. 126.40 (8).

(d) A vegetable contractor, as defined in s. 126.55 (14).

(6) “Current assets” means cash and other assets, including trade or investment items, that may be readily converted into cash in the ordinary course of business within one year after the date as of which the value of those assets is determined.

(7) “Current liabilities” means those liabilities that are due within one year after the date as of which the value of those liabilities is determined.

(8) “Department” means the department of agriculture, trade and consumer protection.

(9) “Equity” means the value of assets less the value of liabilities.

(10) “Equity statement” means a report of the change in equity from the beginning to the end of the accounting period covered by the report.

(11) “Fund” means the agricultural producer security fund established under s. 25.463.
“Generally accepted accounting principles” means the accounting standards adopted by the Financial Accounting Standards Board, except that for a business entity organized and operating outside the United States “generally accepted accounting principles” includes generally accepted foreign accounting standards that are substantially equivalent to standards adopted by the Financial Accounting Standards Board.

“Grain” means corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax seed, milo, sunflower seed, and mixed grain, as defined in 7 CFR 810.801, except that “grain” does not include any of the following:

(a) Sweet corn or other canning crops for processing.

(b) Seed corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax seed, milo, sunflower seed, or mixed grain used or intended for use solely for planting purposes.

(c) Corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax seed, milo, sunflower seed, or mixed grain that has been rolled, cracked, roasted, or otherwise processed.

“Income statement” means a report of the financial results of business operations for a specific period.

“Individual” means a natural person.

“Interim financial statement” means a statement of financial condition prepared for a period shorter than a fiscal year.

“Milk” has the meaning given in s. 97.22 (1) (e).

“Person,” notwithstanding s. 990.01 (26), means an individual, corporation, cooperative, partnership, limited liability company, trust, state agency,
as defined in s. 20.001 (1), local governmental unit, as defined in s. 66.0131 (1) (a),
or other legal entity.

(19) “Producer,” unless otherwise qualified, means a grain producer, as defined
in s. 126.10 (10), milk producer, as defined in s. 126.40 (10), or vegetable producer,
as defined in s. 126.55 (16).

(20) “Reviewed financial statement” means a contractor’s financial statement,
other than an audited financial statement, if all of the following apply:

(a) The contractor attests in writing, under oath, that the financial statement
is complete and accurate.

(b) The financial statement is reviewed by an independent certified public
accountant or by an independent public accountant who holds a certificate of
authority under ch. 442.

(21) “Security” means security filed or maintained under s. 126.16, 126.31,
126.47, or 126.61.

(22) “Sole proprietor” means a contractor who is an individual.

(23) “Statement of cash flows” means a report of cash receipts and cash
disbursements from operating, investing, and financing activities, including an
explanation of changes in cash and cash equivalents for the accounting period
covered by the report.

(24) “Vegetable” means any vegetable that is grown or sold for use in food
processing, whether or not the vegetable is actually processed as food. “Vegetable”
includes green beans, kidney beans, lima beans, romano beans, wax beans, beets,
cabbage, carrots, celery, cucumbers, onions, peas, potatoes, spinach, squash, and
sweet corn, but does not include grain.
126.05 Deposits into the fund. The department shall deposit into the fund all fees, surcharges, assessments, reimbursements, and proceeds of surety bonds that the department collects under this chapter. The department shall keep a record by contractor and industry, of all deposits.

126.06 Industry bonds. (1) Department to acquire bonds. Using moneys appropriated under s. 20.115 (1) (v), the department shall acquire and maintain all of the following surety bonds:

(a) A surety bond that takes effect on May 1, 2002, to secure payment under s. 126.72 (2) of claims against contributing milk contractors, as defined in s. 126.40 (1).

(b) A surety bond that takes effect on September 1, 2002, to secure payment under s. 126.72 (2) of claims against contributing grain dealers, as defined in s. 126.10 (3), and contributing grain warehouse keepers, as defined in s. 126.25 (2).

(c) A surety bond that takes effect on February 1, 2002, to secure payment under s. 126.72 (2) of claims against contributing vegetable contractors, as defined in s. 126.55 (4).

(2) Bond terms. The department shall ensure all of the following:

(a) That the amount of each bond under sub. (1) is at least $5,000,000 but not more than $20,000,000.

(b) That the amount of each bond under sub. (1) renews annually.

(c) That each bond under sub. (1) is payable to the department for the benefit of the appropriate claimants under sub. (1).
(d) That each bond under sub. (1) is issued by a person who is authorized to
operate a surety business in this state.

(dm) That no surety issues more than one of the 3 bonds under sub. (1).

(e) That no bond issued under sub. (1) may be canceled or modified unless one
of the following applies:

1. The department agrees to the cancellation or modification.

2. The department receives written notice from the issuer in person or by
certified mail at least one year before the proposed cancellation or modification.

(f) That the issuer of each bond under sub. (1) issues the bond in a form, and
subject to any terms and conditions, that the department considers appropriate.

(3) **BOND PROCUREMENT.** The department shall procure the surety bonds under
sub. (1) according to the procedures provided in subch. IV of ch. 16.

**126.07 Blanket bond.** (1) **DEPARTMENT TO ACQUIRE BOND.** Using moneys
appropriated under s. 20.115 (1) (v), the department shall acquire and maintain a
surety bond, that takes effect on February 1, 2002, to secure payment under s. 126.72
(3) of claims against contributing contractors, as defined in s. 126.68 (1).

(2) **BOND TERMS.** The department shall ensure all of the following:

(a) That the amount of the bond under sub. (1) is at least $20,000,000 but not
more than $40,000,000.

(b) That the amount of the bond under sub. (1) renews annually.

(c) That the bond under sub. (1) is payable to the department for the benefit of
claimants described in sub. (1).

(d) That the bond under sub. (1) is jointly issued by at least 3 persons acting
as cosureties on the bond and that each of the persons is authorized to operate a
surety business in this state.
(e) That no issuer of the bond under sub. (1) may cancel or modify the bond, or withdraw as a cosurety, unless one of the following applies:

1. The department agrees to the cancellation, modification, or withdrawal.

2. The department receives written notice from the issuer that is delivered in person or by certified mail and is received at least one year before the proposed cancellation, modification, or withdrawal.

(f) That the issuers of the bond under sub. (1) issue the bond in a form, and subject to any terms and conditions, that the department considers appropriate.

(3) **Bond procurement.** The department shall procure the surety bond under sub. (1) according to the procedures provided in subch. IV of ch. 16.

126.08 **Start-up loan to fund; repayment.** On January 1, 2002, $2,000,000 is transferred as a loan from the agrichemical management fund, to the agricultural producer security fund. The department shall repay this loan principal, plus interest compounded at 5% annually, from the agricultural producer security fund by July 1, 2006. The department shall transfer at least $250,000 from the agricultural producer security fund to the agrichemical management fund on July 1 of each year, beginning on July 1, 2003. The department may accelerate the loan repayment, at its discretion.

SUBCHAPTER III

GRAIN DEALERS

126.10 **Definitions.** In this subchapter:

(1) “Cash on delivery” means full cash payment for grain when the grain dealer takes custody or control of the grain.

(2) “Cash payment” means payment in any of the following forms:

(a) Currency.
(b) A cashier’s check or a check that a bank issues and certifies.
(c) A wire transfer.
(d) Simultaneous barter.

(3) “Contributing grain dealer” means a grain dealer who is licensed under s. 126.11, who either has paid one or more quarterly installments under s. 126.15 (7) or is required to contribute to the fund, but the first quarterly installment under s. 126.15 (7) is not yet due, and who is not disqualified from the fund under s. 126.14 (2).

(4) “Current ratio” means the ratio of the value of current assets to the value of current liabilities, calculated according to s. 126.13 (6) (c) 1.

(5) “Debt to equity ratio” means the ratio of the value of liabilities to equity, calculated according to s. 126.13 (6) (c) 2.

(6) “Deferred payment contract” means a contract for the procurement of grain under which a grain dealer takes custody or control of producer grain more than 7 days before paying for the grain in full. “Deferred payment contract” includes a deferred price contract.

(7) “Deferred price contract” means a contract for the procurement of grain under which a grain dealer takes custody or control of producer grain more than 7 days before the price of that grain must be determined under the contract.

(8) “Disqualified grain dealer” means a grain dealer who is disqualified from the fund under s. 126.14 (2).

(9) “Grain dealer” means a person who buys producer grain or who markets producer grain as a producer agent. “Grain dealer” does not include any of the following:
(a) A person who merely brokers a contract between a grain producer and a grain dealer without becoming a party to the contract, taking control of grain, or accepting payment on behalf of the grain producer.

(b) A person who merely buys or sells grain on a board of trade or commodity exchange.

(10) “Grain producer” means a person who grows grain.

(10m) “License year” means the period beginning on September 1 and ending on the following August 31.

(11) “Procure grain” means to buy grain or acquire the right to market grain.

(12) “Procure producer grain in this state” means any of the following:

(a) To buy producer grain for receipt in this state.

(b) To acquire the right to market producer grain grown in this state.

(13) “Producer agent” means a person who acts on behalf of a grain producer to market or accept payment for the grain producer’s grain without taking title to that grain, including a person who uses a producer trust fund to market or accept payment for producer grain. “Producer agent” does not include any of the following:

(a) A person who merely brokers a contract between a grain producer and a grain dealer, without becoming a party to the contract, taking control of grain, or accepting payment on behalf of the grain producer.

(b) A person who merely holds or transports grain for a grain producer without marketing the grain or accepting payment on behalf of the grain producer.

(14) “Producer grain” means grain that is owned by or held in trust for one or more grain producers. “Producer grain” includes grain that a producer agent markets for a grain producer, without taking title to the grain.
126.11 Grain dealers; licensing. (1) License required. Except as provided
in sub. (2), no grain dealer may procure producer grain in this state without a current
annual license from the department.

(2) Exempt grain dealers. The following grain dealers are not required to hold
a license under this section, but may volunteer to be licensed:

(a) A grain dealer who pays cash on delivery for all producer grain.

(b) A grain dealer who buys producer grain solely for the grain dealer's own use
as feed or seed and who spends less than $400,000 per license year for that grain.

(2m) License terms. A license under this section expires on the August 31
following its issuance. No person may transfer or assign a license issued under this
section.

(3) License application. A grain dealer shall apply for an annual license under
this section in writing, on a form provided by the department. An applicant shall
provide all of the following:

(a) The applicant's legal name and any trade name under which the applicant
proposes to operate as a grain dealer.

(b) A statement of whether the applicant is an individual, corporation,
partnership, cooperative, limited liability company, trust, or other legal entity. If the
applicant is a corporation or cooperative, the applicant shall identify each officer of
the corporation or cooperative. If the applicant is a partnership, the applicant shall
identify each partner.

(c) The mailing address of the applicant's primary business location and the
name of a responsible individual who may be contacted at that location.
(d) The street address of each business location from which the applicant operates in this state as a grain dealer and the name of a responsible individual who may be contacted at each location that is staffed.

(e) All license fees and surcharges required under sub. (4).

(f) The sworn and notarized statement required under sub. (9).

(g) A financial statement if required under s. 126.13 (1) and not yet filed.

(h) Other relevant information required by the department.

(4) LICENSE FEES AND SURCHARGES. A grain dealer applying for an annual license under this section shall pay the following fees and surcharges, unless the department specifies a different fee or surcharge amount by rule:

(a) A nonrefundable license processing fee of $25.

(b) The following license fees based on the grain dealer’s reported grain payments under sub. (9) (a), less any credit provided under sub. (6):

1. A fee of $500, plus $225 per business location in excess of one business location, if the amount under sub. (9) (a) is at least $500,000.

2. A fee of $200 if the amount under sub. (9) (a) is at least $50,000 but less than $500,000.

3. A fee of $50 if the amount under sub. (9) (a) is less than $50,000.

(c) A license fee of $45 for each truck, in excess of one truck, that the grain dealer uses to haul grain in this state.

(d) A license surcharge of $425 if the grain dealer files a financial statement under s. 126.13 (1) that is not an audited financial statement.

(e) A license surcharge of $500 if the department determines that, within 365 days before submitting the license application, the applicant operated as a grain dealer without a license in violation of sub. (1). The applicant shall also pay any
license fees, license surcharges, and fund assessments that are still due for any
license year in which the applicant violated sub. (1).

(f) A license surcharge of $100 if during the preceding 12 months the applicant
failed to file an annual financial statement required under s. 126.13 (1) (b) by the
deadline specified in s. 126.13 (1) (c).

(g) A license surcharge of $100 if a renewal applicant fails to renew a license
by the license expiration date of August 31. This paragraph does not apply to a grain
dealer who is exempt under sub. (2) and is voluntarily licensed.

(4m) Effect of payment of surcharge. Payment under sub. (4) (e) does not
relieve the applicant of any other civil or criminal liability that results from the
violation of sub. (1), but does not constitute evidence of any law violation.

(5) License for part of year; fees. A person who applies for an annual grain
dealer license after the beginning of a license year shall pay the full annual fee
amounts required under sub. (4).

(6) Fee credits. If the balance in the fund contributed by grain dealers exceeds
$2,000,000 on June 30 of any license year, the department shall credit 50% of the
excess amount against fees charged under sub. (4) (b) to contributing grain dealers
who file timely license renewal applications for the next license year. The
department shall credit each contributing grain dealer on a prorated basis, in
proportion to the total fees that the grain dealer paid under sub. (4) (b) for the 4
preceding license years.

(7) Fee statement. The department shall provide, with each license application
form, a written statement of all license fees and surcharges required under sub. (4)
or the formula for determining them. The department shall specify any fee credit for
which the applicant may qualify under sub. (6).
(8) NO LICENSE WITHOUT FULL PAYMENT. The department may not issue an annual license under sub. (1) until the applicant pays all license fees and surcharges identified in the department’s statement under sub. (7). The department shall refund a fee or surcharge paid under protest if upon review the department determines that the fee or surcharge is not applicable.

(9) SWORN AND NOTARIZED STATEMENT. As part of a license application under sub. (3), an applicant shall provide a sworn and notarized statement, signed by the applicant or an officer of the applicant, that reports all of the following:

(a) The total amount that the applicant paid, during the applicant’s last completed fiscal year, for producer grain procured in this state. If the applicant has not yet operated as a grain dealer in this state, the applicant shall estimate the amount that the applicant will pay during the applicant’s first complete fiscal year for producer grain procured in this state.

(b) The amount of the payments under par. (a) made under deferred payment contracts.

(c) Whether the applicant has had any obligations under deferred payment contracts, for grain procured in this state, at any time since the beginning of the applicant’s last completed fiscal year.

(10) ACTION GRANTING OR DENYING APPLICATION. The department shall grant or deny an application under sub. (3) within 30 days after the department receives a complete application. If the department denies a license application, the department shall give the applicant a written notice stating the reason for the denial.

(11) LICENSE DISPLAYED. A grain dealer licensed under sub. (1) shall prominently display a copy of that license at the following locations:

(a) On each truck that the grain dealer uses to haul grain in this state.
(b) At each business location from which the grain dealer operates in this state.

**126.12 Grain dealers; insurance.** (1) **Fire and extended coverage insurance.** A grain dealer licensed, or required to be licensed, under s. 126.11 shall maintain fire and extended coverage insurance, issued by an insurance company authorized to do business in this state, that covers all grain in the custody of the grain dealer, whether owned by the grain dealer or held for others, at the full local market value of the grain.

(2) **Insurance cancellation; replacement.** Whenever an insurance policy under sub. (1) is canceled, the grain dealer shall replace the policy so that there is no lapse in coverage.

(3) **Insurance coverage; misrepresentation.** No grain dealer may misrepresent any of the following to the department or to any grain producer or producer agent:

(a) That the grain dealer is insured.

(b) The nature, coverage, or material terms of the grain dealer’s insurance policy.

**126.13 Grain dealers; financial statements.** (1) **Required annual financial statement.** (a) A grain dealer shall file an annual financial statement with the department, before the department first licenses the grain dealer under s. 126.11, if the grain dealer’s license application reports any of the following:

1. More than $500,000 in grain payments under s. 126.11 (9) (a).

2. Any deferred payment contract obligations under s. 126.11 (9) (c).

(b) A grain dealer licensed under s. 126.11 shall file an annual financial statement with the department during each license year if the grain dealer’s license application for that year reports any of the following:
1. More than $500,000 in grain payments under s. 126.11 (9) (a) unless the grain dealer is a contributing grain dealer who procures producer grain in this state solely as a producer agent.

2. Any deferred payment contract obligations under s. 126.11 (9) (c).

(c) A grain dealer shall file an annual financial statement under par. (b) by the 15th day of the 4th month following the close of the grain dealer’s fiscal year, except that the department may extend the filing deadline for up to 30 days if the grain dealer, or the accountant reviewing or auditing the financial statement, files a written extension request at least 10 days before the filing deadline.

(d) A grain dealer licensed under s. 126.11 may not incur any obligations under deferred payment contracts for grain procured in this state unless the contractor first notifies the department and files an annual financial statement with the department.

(2) Voluntary Annual Financial Statement. A contributing grain dealer who is not required to file a financial statement under sub. (1) may file an annual financial statement with the department to qualify for a lower fund assessment under s. 126.15.

(3) Reviewed or Audited Financial Statement. (a) A grain dealer filing an annual financial statement under sub. (1) or (2) shall file an audited financial statement if any of the following applies:

1. The grain dealer’s license application reports more than $3,000,000 in payments under s. 126.11 (9) (a).

2. The grain dealer’s last 2 license applications report more than $2,000,000 in payments under s. 126.11 (9) (a).
(b) If par. (a) does not apply, a grain dealer filing an annual financial statement under sub. (1) or (2) shall file either a reviewed financial statement or an audited financial statement.

(4) ACCOUNTING PERIOD. A grain dealer filing an annual financial statement under sub. (1) or (2) shall file a financial statement that covers the grain dealer’s last completed fiscal year unless the grain dealer has been in business for less than one year.

(4m) INTERIM FINANCIAL STATEMENT. The department may, at any time, require a grain dealer licensed under s. 126.11 to file an interim financial statement with the department. The grain dealer shall provide, with the interim financial statement, the grain dealer’s sworn and notarized statement that the financial statement is correct. An interim financial statement need not be a reviewed financial statement or an audited financial statement.

(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. (a) Except as provided in par. (b), a grain dealer filing an annual financial statement under this section shall file a financial statement that is prepared according to generally accepted accounting principles.

(b) If a grain dealer is a sole proprietor and the grain dealer’s financial statement is not audited, the grain dealer shall file a financial statement that is prepared on a historical cost basis.

(6) FINANCIAL STATEMENT CONTENTS. (a) Except as provided in par. (b), a grain dealer filing a financial statement under this section shall file a financial statement that consists of a balance sheet, income statement, equity statement, statement of cash flows, notes to those statements, and any other information required by the department. If the grain dealer is a sole proprietor, the grain dealer shall file his or
her business and personal financial statements. A grain dealer shall disclose on the
grain dealer’s financial statement, separately and clearly, the grain dealer’s unpaid
obligations to grain producers and producer agents.

(b) If a grain dealer has been in business for less than one year, the grain dealer
may file an annual financial statement under sub. (1) or (2) consisting of a balance
sheet and notes.

(c) A grain dealer filing a financial statement under this section shall include
in the financial statement, or in an attachment to the financial statement,
calculations of all of the following:

1. The grain dealer’s current ratio, excluding any assets required to be excluded
   under sub. (7).

2. The grain dealer’s debt to equity ratio, excluding any assets required to be
   excluded under sub. (7).

(7) ASSETS EXCLUDED. A grain dealer may not include any of the following assets
in the calculations under sub. (6) (c) unless the department specifically approves
their inclusion:

(a) A nontrade note or account receivable from an officer, director, employee,
partner, or stockholder, or from a member of the family of any of those individuals,
unless the note or account receivable is secured by a first priority security interest
in real or personal property.

(b) A note or account receivable from a parent organization, a subsidiary, or an
affiliate, other than an employee.

(c) A note or account that has been receivable for more than one year, unless
the grain dealer has established an offsetting reserve for uncollectible notes and
accounts receivable.
(9) **Entity covered.** A person filing a financial statement under this section may not file, in lieu of that person's financial statement, the financial statement of the person's parent organization, subsidiary, predecessor, or successor.

(10) **Department review.** The department may analyze a financial statement submitted under this section and may reject a financial statement that fails to comply with this section.

126.14 **Contributing grain dealers; disqualification.** (1) **Contribution required.** A grain dealer who is required to be licensed under s. 126.11 (1) shall pay fund assessments under s. 126.15 unless the grain dealer is disqualified under sub. (2). A grain dealer who is voluntarily licensed under s. 126.11 may pay voluntary assessments under s. 126.15, unless the grain dealer is disqualified under sub. (2).

(2) **Disqualified grain dealer.** (a) A grain dealer who is required to file security under s. 126.16 (1) (a) is disqualified from the fund until the department determines that one of the conditions in s. 126.16 (8) (a) 1. and 2. is satisfied.

(b) A grain dealer is disqualified from the fund, and required to pay cash on delivery for producer grain, if any of the following occurs:

1. The department denies, suspends, or revokes the grain dealer's license.

2. The department issues a written notice disqualifying the grain dealer for cause, including failure to pay fund assessments under s. 126.15 when due or failure to file a financial statement under s. 126.13 when due.

3. The grain dealer fails to reimburse the department, within 60 days after the department issues a reimbursement demand under s. 126.73 (1), for the full amount that the department pays to claimants under s. 126.72 (1) because of that grain dealer's default.
4. The grain dealer fails to reimburse a bond surety, within 60 days after the 
bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount 
that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of 
claimants affected by that grain dealer’s default.

(3) Payments by disqualified grain dealer. (a) The department may not return 
to a disqualified grain dealer any fund assessments that the grain dealer paid as a 
contributing grain dealer.

(b) A disqualified grain dealer remains liable for any unpaid fund installment 
under s. 126.15 that became due while the grain dealer was a contributing grain 
dealer. A disqualified grain dealer is not liable for any fund installment that becomes 
due after the grain dealer is disqualified under sub. (2).

126.15 Contributing grain dealers; fund assessments. (1) General. A 
contributing grain dealer shall pay an annual fund assessment for each license year. 
The assessment equals $20 or the sum of the following, whichever is greater, unless 
the department by rule specifies a different assessment:

(a) The grain dealer’s current ratio assessment. The current ratio assessment 
for a license year equals the grain dealer’s current ratio assessment rate under sub. 
(2) multiplied by the amount reported under s. 126.11 (9) (a) in the grain dealer’s 
license application for that license year.

(b) The grain dealer’s debt to equity ratio assessment. The debt to equity ratio 
assessment for a license year equals the grain dealer’s debt to equity ratio 
assessment rate under sub. (4) multiplied by the amount reported under s. 126.11 
(9) (a) in the grain dealer’s license application for that license year.

(c) The grain dealer’s deferred payment assessment. The deferred payment 
assessment for a license year equals the grain dealer’s deferred payment assessment
rate under sub. (6) multiplied by the payment amount, if any, that the grain dealer reports under s. 126.11 (9) (b) in the grain dealer’s license application for that license year.

(2) Current ratio assessment rate. A grain dealer’s current ratio assessment rate is calculated, at the beginning of the license year, as follows:

(a) If the grain dealer has filed an annual financial statement under s. 126.13 and that financial statement shows a current ratio of at least 1.25 to 1.0, the grain dealer’s current ratio assessment rate equals the greater of zero or the current ratio assessment factor in sub. (3) (a) multiplied by the following amount:

1. Subtract one from the current ratio.
2. Divide the amount determined under subd. 1. by 3.
3. Multiply the amount determined under subd. 2. by negative one.
4. Raise the amount determined under subd. 3. to the 3rd power.
5. Subtract 0.75 from the current ratio.
6. Divide 0.65 by the amount determined under subd. 5.
7. Raise the amount determined under subd. 6. to the 5th power.
8. Add the amount determined under subd. 4. to the amount determined under subd. 7.
9. Add 2 to the amount determined under subd. 8.

(b) If the grain dealer has filed an annual financial statement under s. 126.13 and that financial statement shows a current ratio of less than 1.25 to 1.0, but greater than 1.0 to 1.0, the grain dealer’s current ratio assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied by the following amount:

1. Subtract one from the current ratio.
2. Divide the amount determined under subd. 1. by 3.
3. Multiply the amount determined under subd. 2. by negative one.
4. Raise the amount determined under subd. 3. to the 3rd power.
5. Subtract 0.75 from the current ratio.
6. Divide 0.65 by the amount determined under subd. 5.
7. Raise the amount determined under subd. 6. to the 5th power.
8. Add the amount determined under subd. 4. to the amount determined under subd. 7.
9. Add 2 to the amount determined under subd. 8.

(c) If the grain dealer has filed an annual financial statement under s. 126.13 and that financial statement shows a current ratio of less than or equal to 1.0 to 1.0, the grain dealer’s current ratio assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 120.81376.

(d) Except as provided in par. (e), if the grain dealer has not filed an annual financial statement under s. 126.13, the grain dealer’s current ratio assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 5.71235.

(e) If the grain dealer has not filed an annual financial statement under s. 126.13 and the grain dealer procures grain in this state solely as a producer agent, the grain dealer’s current ratio assessment rate is 0.00025, except that, for the grain dealer’s 5th or higher consecutive full license year of participation in the fund, the grain dealer’s current ratio assessment rate is 0.000175.

(3) CURRENT RATIO ASSESSMENT FACTOR. (a) A grain dealer’s current ratio assessment factor under sub. (2) (a) is 0.00003 except that, for the grain dealer’s 5th or higher consecutive full license year as a contributing grain dealer, the grain dealer’s current ratio assessment factor is zero.
(b) A grain dealer’s current ratio assessment factor under sub. (2) (b) to (d) is
0.000045 except that, for the grain dealer’s 5th or higher consecutive full license year
as a contributing grain dealer, the grain dealer’s current ratio assessment factor is
0.000036.

(4) Debt to Equity Assessment Rate. A grain dealer’s debt to equity ratio
assessment rate is calculated, at the beginning of the license year, as follows:

   (a) If the grain dealer has filed an annual financial statement under s. 126.13
   and that financial statement shows positive equity and a debt to equity ratio of not
   more than 4.0 to 1.0, the grain dealer’s debt to equity ratio assessment rate equals
   the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a)
multiplied by the following amount:

   1. Subtract 4 from the debt to equity ratio.
   2. Divide the amount determined under subd. 1. by 3.
   3. Raise the amount determined under subd. 2. to the 3rd power.
   4. Subtract 1.7 from the debt to equity ratio.
   5. Divide the amount determined under subd. 4. by 1.75.
   6. Raise the amount determined under subd. 5. to the 7th power.
   7. Add the amount determined under subd. 3. to the amount determined under
   subd. 6.
   8. Add 2 to the amount determined under subd. 7.

   (b) If the grain dealer has filed an annual financial statement under s. 126.13
   and that financial statement shows a debt to equity ratio of greater than 4.0 to 1.0,
   but less than 5.0 to 1.0, the grain dealer’s debt to equity ratio assessment rate equals
   the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the following
   amount:
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1. Subtract 4 from the debt to equity ratio.
2. Divide the amount determined under subd. 1. by 3.
3. Raise the amount determined under subd. 2. to the 3rd power.
4. Subtract 1.7 from the debt to equity ratio.
5. Divide the amount determined under subd. 4. by 1.75.
6. Raise the amount determined under subd. 5. to the 7th power.
7. Add the amount determined under subd. 3. to the amount determined under
   subd. 6.
8. Add 2 to the amount determined under subd. 7.

(c) If the grain dealer has filed an annual financial statement under s. 126.13
and that financial statement shows negative equity or a debt to equity ratio of at least
5.0 to 1.0, the grain dealer’s debt to equity ratio assessment rate equals the debt to
   equity ratio assessment factor in sub. (5) (b) multiplied by 86.8244.

(d) Except as provided in par. (e), if the grain dealer has not filed an annual
   financial statement under s. 126.13, the grain dealer’s debt to equity ratio
   assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b)
   multiplied by 8.77374.

(e) If the grain dealer has not filed an annual financial statement under s.
   126.13 and the grain dealer procures grain in this state solely as a producer agent,
   the grain dealer’s debt to equity ratio assessment rate is 0.00025, except that it is
   0.000175 for the grain dealer’s 5th or higher consecutive full license year of
   participation in the fund.

(5) DEBT TO EQUITY RATIO ASSESSMENT FACTOR. (a) A grain dealer’s debt to equity
   ratio assessment factor under sub. (4) (a) is 0.0000125, except that it is zero for the
grain dealer’s 5th or higher consecutive full license year as a contributing grain dealer.

(b) A grain dealer’s debt to equity ratio assessment factor under sub. (4) (b) to (d) is 0.00001875, except that it is 0.000015 for the grain dealer’s 5th or higher consecutive full license year as a contributing grain dealer.

(6) DEFERRED PAYMENT ASSESSMENT RATE. A grain dealer’s deferred payment assessment rate is 0.0035, except that it is 0.002 for the grain dealer’s 5th or higher consecutive full license year as a contributing grain dealer.

(7) QUARTERLY INSTALLMENTS. (a) A contributing grain dealer shall pay the grain dealer’s annual fund assessment in equal quarterly installments that are due as follows:

1. The first installment is due on October 1 of the license year.
2. The 2nd installment is due on January 1 of the license year.
3. The 3rd installment is due on April 1 of the license year.
4. The 4th installment is due on July 1 of the license year.

(b) A contributing grain dealer may prepay any of the quarterly installments under par. (a).

(c) A contributing grain dealer who applies for an annual license after the beginning of a license year shall pay the full annual fund assessment required under this section. The grain dealer shall pay, with the first quarterly installment that becomes due after the day on which the department issues the license, all of that year’s quarterly installments that became due before that day.

(d) A contributing grain dealer who fails to pay the full amount of any quarterly installment when due shall pay, in addition to that installment, a late payment penalty of $50 or 10% of the overdue installment amount, whichever is greater.
(8) Notice of annual assessment and quarterly installments. When the department issues an annual license to a contributing grain dealer, the department shall notify the grain dealer of all of the following:

(a) The amount of the grain dealer’s annual fund assessment under this section.

(b) The amount of each required quarterly installment under sub. (7) and the date by which the grain dealer must pay each installment.

(c) The penalty that applies under sub. (7) (d) if the grain dealer fails to pay any quarterly installment when due.

126.16 Grain dealers; security. (1) Security required. (a) A grain dealer shall file security with the department, and maintain that security until the department releases it under sub. (8) (a), if all of the following apply when the department first licenses the grain dealer under s. 126.11:

1. The grain dealer reports more than $500,000 in grain payments under s. 126.11 (9) (a).

2. The grain dealer files an annual financial statement under s. 126.13 (1) (a) and that financial statement shows negative equity.

(b) A grain dealer who reports any deferred payment contract obligations under s. 126.11 (9) (c) or 126.13 (1) (d) shall file security with the department, and maintain that security until the department releases it under sub. (8) (b), unless the grain dealer has positive equity and one of the following applies:

1. The grain dealer’s annual financial statement under s. 126.13 covers a fiscal year ending on or before January 1, 2006, and shows a debt to equity ratio of not more than 5.0 to 1.0.
2. The grain dealer’s annual financial statement under s. 126.13 covers a fiscal year ending after January 1, 2006, and shows a debt to equity ratio of not more than 4.0 to 1.0.

(2) **Security continued.** A grain dealer who filed security under ch. 127, 1999 stats., before September 1, 2002, shall maintain that security until the department releases it under sub. (8) (c).

(3) **Amount of security.** A grain dealer who is required to file or maintain security under this section shall at all times maintain security that is at least equal to the sum of the following:

(a) An amount equal to 35% of the grain dealer’s average monthly payment for the 3 months, during the preceding 12 months, in which the grain dealer made the largest monthly payments for producer grain procured in this state, except that this amount is not required of a contributing grain dealer after December 1, 2002.

(b) The grain dealer’s highest total, at any time during the preceding 12 months, of unpaid obligations for producer grain procured in this state under deferred payment contracts.

(4) **Form of security.** The department shall review, and determine whether to approve, security filed or maintained under this section. The department may approve only the following types of security:

(a) Currency.

(b) A commercial surety bond if all of the following apply:

1. The surety bond is made payable to the department for the benefit of grain producers and producer agents.

2. The surety bond is issued by a person authorized to operate a surety business in this state.
3. The surety bond is issued as a continuous term bond that may be canceled only with the department’s written agreement or upon 90 days’ prior written notice served on the department in person or by certified mail.

4. The surety bond is issued in a form, and subject to any terms and conditions, that the department considers appropriate.

(c) A certificate of deposit or money market certificate if all of the following apply:

1. The certificate is issued or endorsed to the department for the benefit of grain producers and producer agents who deliver grain to the grain dealer.

2. The certificate may not be canceled or redeemed without the department’s written authorization.

3. No person may transfer or withdraw funds represented by the certificate without the department’s written permission.

4. The certificate renews automatically without any action by the department.

5. The certificate is issued in a form, and subject to any terms and conditions, that the department considers appropriate.

(d) An irrevocable bank letter of credit if all of the following apply:

1. The letter of credit is payable to the department for the benefit of grain producers and producer agents.

2. The letter of credit is issued on bank letterhead.

3. The letter of credit is issued for an initial period of at least one year.

4. The letter of credit renews automatically unless at least 90 days before the scheduled renewal date the issuing bank gives the department written notice, in person or by certified mail, that the letter of credit will not be renewed.
5. The letter of credit is issued in a form, and subject to any terms and conditions, that the department considers appropriate.

(e) Security filed under ch. 127, 1999 stats., before September 1, 2002, except that on January 1, 2003, the department shall withdraw its approval of any security that is not approvable under pars. (a) to (d).

(5) DEPARTMENT CUSTODY OF SECURITY. The department shall hold, in its custody, all security filed and maintained under this section. The department shall hold the security for the benefit of grain producers and producer agents who deliver grain to a grain dealer.

(6) MONTHLY REPORTS. A grain dealer who is required to file or maintain security under this section shall file monthly reports with the department. The grain dealer shall file a report on or before the 10th day of each month, in a form specified by the department. In a monthly report, a grain dealer shall provide information reasonably required by the department, including all of the following:

(a) The grain dealer’s average monthly payment for the 3 months, during the preceding 12 months, in which the grain dealer made the largest monthly payments for producer grain procured in this state.

(b) The grain dealer’s highest total unpaid obligations, at any time during the preceding 12 months, for producer grain procured in this state under deferred payment contracts. If the amount owed on deferred price contracts has not yet been determined, the grain dealer shall estimate the amount based on contract terms and prevailing market prices on the last day of the previous month.

(7) ADDITIONAL SECURITY. (a) The department may, at any time, demand additional security from a grain dealer if any of the following applies:
1. The grain dealer’s existing security falls below the amount required under sub. (3) for any reason, including depreciation in the value of the security filed with the department, an increase in grain payments or grain prices, or the cancellation of any security filed with the department.

2. The grain dealer fails to provide required information that is relevant to a determination of security requirements.

   (b) The department shall issue a demand under par. (a) in writing. The department shall indicate why the security is required, the amount of security required, and the deadline date for filing security. The department may not specify a deadline for filing security that is more than 30 days after the date on which the department issues its demand for security.

   (c) A grain dealer may request a hearing, under ch. 227, on a demand for security under par. (b). A request for hearing does not automatically stay a security demand.

   (d) If a grain dealer fails to comply with the department’s demand for security under this subsection, the grain dealer shall give written notice of that fact to all grain producers and producer agents from whom the grain dealer procures producer grain in this state. If the grain dealer fails to give accurate notice under this paragraph within 5 days after the deadline for filing security under par. (b) has passed, the department shall promptly notify those grain producers and producer agents by publishing a class 3 notice under ch. 985. The department may also give individual notice to those grain producers or producer agents of whom the department is aware.

   (e) If a grain dealer fails to comply with the department’s demand for security under this subsection, the department may do any of the following:
1. Issue a summary order under s. 127.85 (2) that prohibits the grain dealer from procuring producer grain or requires the grain dealer to pay cash on delivery for all producer grain.

2. Suspend or revoke the grain dealer’s license.

(8) RELEASING SECURITY. (a) The department may release security filed under sub. (1) (a), except for any amount of security that the grain dealer is required to file because sub. (1) (b) applies to the grain dealer, if any of the following applies:

1. The grain dealer reports, for at least 2 consecutive years, no more than $500,000 in annual grain payments under s. 126.11 (9) (a) and the grain dealer pays the quarterly fund assessment that would have been required of the grain dealer if the grain dealer had been a contributing grain dealer on the most recent quarterly installment date under s. 126.15 (7).

2. The grain dealer’s annual financial statement under s. 126.13 shows positive equity for at least 2 consecutive years and the grain dealer pays the quarterly fund assessment that would have been required of the grain dealer if the grain dealer had been a contributing grain dealer on the most recent quarterly installment date under s. 126.15 (7).

(b) The department may release security filed under sub. (1) (b), except for any amount of security that the grain dealer is required to file because sub. (1) (a) applies to the grain dealer, if any of the following applies:

1. The grain dealer has not had any deferred payment contract obligations since the beginning of the grain dealer’s last completed fiscal year.

2. The grain dealer files 2 consecutive annual financial statements under s. 126.13 showing that the grain dealer meets the applicable equity requirement and debt to equity ratio under sub. (1) (b).
(c) On December 1, 2002, the department may release security maintained under sub. (2), unless the grain dealer is required to file security under sub. (1).

(d) The department may release security to the extent that the security exceeds the amount required under sub. (3).

(e) The department may release security if the grain dealer files alternative security, of equivalent value, that the department approves.

(f) The department shall release security if the grain dealer is no longer in business and has paid all grain obligations in full.

126.17 Grain dealers; records. (1) Records and accounts; general. A grain dealer shall keep records and accounts of all grain procured and all grain sold or marketed by the grain dealer. A grain dealer shall keep records that are complete, accurate, current, well-organized, and accessible, so that the grain dealer and the department can readily determine all of the following:

(a) The kinds and amounts of grain procured, the procurement dates, the procurement terms, and the persons from whom the grain dealer procured the grain.

(b) The kinds and amounts of grain sold or marketed, the sale or marketing dates, the sale or marketing terms, and the persons to whom the grain dealer sold or marketed the grain.

(c) The kinds and amounts of grain, received from others, that the grain dealer has used for feed, seed, milling, manufacturing, processing, or other purposes.

(d) The kinds and amounts of grain, received from others, that the grain dealer has on hand, including the kinds and amounts of grain owned by the grain dealer, and the kinds and amounts of grain held for others.

(e) The nature and amount of the grain dealer’s obligations to grain producers and producer agents, including obligations deferred payment contracts. The grain
dealer shall keep a daily record of obligations under priced contracts and a separate
daily record of obligations under deferred price contracts that have not yet been
priced.

(f) The nature and amount of the grain dealer’s obligations to depositors, as
defined in s. 126.25 (5), under agreements for the storage of grain, if any.

(g) The grain dealer’s accounts receivable from the sale or marketing of grain,
including the names of the account debtors, the amount receivable from each account
debtor, and the dates on which payment is due.

(2) RECORDS OF GRAIN PROCURED. A grain dealer shall keep records all of the
following related to each shipment of grain procured by the grain dealer:

(a) The kind and weight of grain procured.

(b) The grade and quality of the grain if determined.

(c) The date on which the grain dealer procured the grain.

(d) The name and address of the person from whom the grain dealer procured
the grain.

(e) Whether the grain dealer purchased the grain, holds it under an agreement
for storage, or is marketing the grain as a producer agent.

(f) The terms of purchase, storage, or marketing.

(g) If the grain dealer procured the grain under a deferred payment contract,
the terms of that contract.

(3) RECORDS RETENTION; INSPECTION. (a) A grain dealer shall keep copies of all
of the following records for at least 6 years after the records are created:

1. Records required under this section and s. 126.18 (2).

2. Records that the grain dealer was required to keep, under ch. 127, 1999
stats., and department rules, before September 1, 2002.
(b) A grain dealer shall make records required under this section available to the department for inspection and copying upon request.

126.18 Grain dealers; receipts for grain. (1) REQUIREMENT. Whenever a grain dealer receives grain from any person, the grain dealer shall immediately give that person a written receipt for the grain that includes all of the following:

(a) The name of the grain dealer and a statement indicating whether the grain dealer is a corporation.

(b) A permanent business address at which the holder of the receipt can readily contact the grain dealer.

(c) A statement identifying the document as a receipt for grain.

(d) The date on which the grain dealer received the grain.

(e) The kind of grain received.

(f) The net weight of grain received or, if the grain dealer receives the grain at the grain producer’s farm, the approximate net weight of the grain.

(g) The grade and quality of the grain, if determined.

(h) A statement identifying the receipt as a purchase receipt, storage receipt, or receipt for grain marketed by the grain dealer as a producer agent.

(i) The grain dealer’s promise to pay the total amount due for grain, less any discounts that may apply, within 7 calendar days after the date of receipt of the grain.

This requirement does not apply if any of the following applies:

1. The grain dealer pays cash on delivery.

2. The grain dealer receives the grain under a deferred payment contract that complies with s. 126.19.

3. The receipt is clearly identified as a storage receipt.
(1m) **Effect of Failure to Identify Receipt.** A receipt not clearly identified under sub. (1) (h) is considered a purchase receipt except that, if the grain dealer also operates as a grain warehouse keeper, as defined in s. 126.25 (9), under the same name, a receipt not clearly identified is considered a storage receipt.

(2) **Grain Dealer's Copies.** A grain dealer shall keep copies of all receipts issued under sub. (1).

### 126.19 Grain dealers; deferred payment contracts.

(1) **Contract in Writing.** A grain dealer may not procure grain from any grain producer or producer agent under a deferred payment contract before the contract is reduced to writing and signed by the parties. The grain dealer shall provide a copy of the signed contract to the other party.

(2) **Contents of Contract.** A grain dealer may not enter into a deferred payment contract unless the deferred payment contract includes all of the following:

   (a) A unique contract identification number.

   (b) The type, weight, grade, and quality of grain procured and a statement that price adjustments may apply if delivered grain varies in grade or quality from that identified in the contract.

   (c) The price for the grain or, in a deferred price contract, the method and deadline by which the price will be determined.

   (d) The date by which the grain dealer agrees to make full payment for the grain, which may not be more than 180 days after the date on which the contract price is established or more than 180 days after the date on which the grain dealer takes custody or control of the grain, whichever is later.
(dm) If the contract is a deferred price contract, a pricing deadline that is not
more than one year after the date on which the grain dealer takes custody or control
of the grain.

(e) The grain dealer’s permanent business location.

(f) Other information required under this section.

(3) Payment and pricing deadlines. (a) A grain dealer shall make full payment
under a deferred payment contract by the deadline date specified in the contract.

(b) The parties may not extend a payment or pricing deadline under sub. (2)
(d) or (dm), except that they may sign a new contract that extends either deadline
or both deadlines for up to 180 days if the new contract refers to the contract number
of the original contract.

(4) Required notice. A grain dealer may not enter into a deferred payment
contract unless the deferred payment contract clearly discloses that it is not a storage
contract. Whenever a grain dealer buys grain from a grain producer under a deferred
payment contract, the grain dealer shall include the following statement in
capitalized, boldface print immediately above the contract signature line: “This is
not a storage contract. The grain dealer (buyer) becomes the owner of any grain that
the producer (seller) delivers to the grain dealer under this contract. The producer
relinquishes ownership and control of the grain, and becomes an unsecured creditor
pending payment.”

(5) Deferred payment contract assessment. From the amount that a grain
dealer pays to a grain producer or producer agent under a deferred payment contract,
the grain dealer shall deduct a deferred payment contract assessment. The
assessment shall equal the total amount owed under the contract before the
assessment is deducted, multiplied by the deferred payment assessment rate that
applies under s. 126.15 (6) when the contract is made. The grain dealer shall disclose
the assessment amount or, if the contract is a deferred price contract, the method by
which the assessment amount will be determined, in the written contract under sub.
(1).

126.20 Grain dealers; business practices. (1) Grain weight, grade, and
quality. A grain dealer shall do all of the following when determining the weight,
grade, or quality of grain:
(a) Accurately determine the weight, grade, or quality using accurate weighing,
testing, or grading equipment.
(b) Accurately record the determined weight, grade, or quality.

(2) Timely payment to producers. A grain dealer shall pay for grain when
payment is due. A grain dealer may not make payment by nonnegotiable check or
note or by check drawn on an account containing insufficient funds.

(3) Permanent business location. A grain dealer licensed under s. 126.11 shall
do all of the following:
(a) Maintain a permanent business address at which grain producers may
readily contact the grain dealer during business hours.
(b) On each day that the Chicago Board of Trade is open for trading, keep
business hours that start no later than 9 a.m. and end no earlier than 2:30 p.m.
(c) Prominently post the grain dealer’s business hours at each of the grain
dealer’s business locations in this state.

(4) Prohibited practices. No grain dealer may do any of the following:
(a) Misrepresent the weight, grade, or quality of grain received from or
delivered to any person.
(b) Falsify any record or account, or conspire with any other person to falsify
a record or account.

(c) Make any false or misleading representation to the department.

(d) If the grain dealer is licensed under s. 126.11, engage in any activity that
is inconsistent with a representation made in the grain dealer’s annual license
application.

(e) Make any false or misleading representation to a grain producer or producer
agent related to any matters regulated under this chapter.

(f) Fail to file the full amount of security required under s. 126.16 (7) by the date
that the department specifies.

126.21 Grain producer obligations. (1) Delivery per contract. No grain
producer or producer agent who contracts to sell and deliver grain to a grain dealer
at an agreed price may wrongfully refuse to deliver that grain according to the
contract.

(2) Disclosure of liens and security interests. A grain dealer procuring grain
from a grain producer or producer agent may require the grain producer or producer
agent to disclose any liens or security interests that apply to the grain. The grain
dealer may require the disclosure in writing. The grain dealer may require the grain
producer or producer agent to specify the nature and amount of each lien or security
interest and the identity of the person holding that lien or security interest. No grain
producer may falsify or fraudulently withhold information required under this
subsection in order to sell grain.

SUBCHAPTER IV

GRAIN WAREHOUSE KEEPERS

126.25 Definitions. In this subchapter:
(1) “Capacity” means the maximum amount of grain, measured in bushels, that can be stored in a grain warehouse. The capacity of a grain warehouse is determined by dividing the cubic volume of all bins, expressed in cubic feet, by 1.244 cubic feet per bushel, and applying a pack factor that the department specifies by rule.

(2) “Contributing grain warehouse keeper” means a grain warehouse keeper who is licensed under s. 126.26, who either has paid one or more quarterly installments under s. 126.30 (6) or is required to contribute to the fund, but the first quarterly installment under s. 126.30 (6) is not yet due, and who is not disqualified under s. 126.29 (2).

(3) “Current ratio” means the ratio of the value of current assets to the value of current liabilities, calculated according to s. 126.28 (6) (c) 1.

(4) “Debt to equity ratio” means the ratio of the value of liabilities to equity, calculated according to s. 126.28 (6) (c) 2.

(5) “Depositor” means any of the following:

(a) A person who delivers grain to a grain warehouse keeper for storage, conditioning, shipping, or handling, without transferring ownership to the warehouse keeper.

(b) A person who owns or legally holds a warehouse receipt or other document that is issued by a grain warehouse keeper and that entitles the person to receive stored grain.

(6) “Disqualified grain warehouse keeper” means a grain warehouse keeper who is disqualified from the fund under s. 126.29 (2).
"Grain warehouse" means a facility in this state that is used to receive, store, or condition grain for others or that is used in the shipment of grain for others, except that “grain warehouse” does not include a transport vehicle.

("Grain warehouse keeper” means a person who operates one or more grain warehouses in this state to receive, store, condition, or ship grain for others, except that “grain warehouse keeper” does not include a person licensed under the United States Warehouse Act, 7 USC 241 to 271.

"License year” means the period beginning on September 1 and ending on the following August 31.

"Warehouse receipt” means a receipt for grain, issued by a grain warehouse keeper, that is also a document of title under s. 401.201 (15).

126.26 Grain warehouse keepers; licensing.  (1) LICENSE REQUIRED.  (a) No grain warehouse keeper may hold at any time more than 50,000 bushels of grain for others without a current annual license from the department. A grain warehouse keeper who has grain warehouses with a combined capacity of more than 50,000 bushels shall obtain a license unless the grain warehouse keeper proves to the department that the grain warehouse keeper holds no more than 50,000 bushels of grain for others at any time.

(b) A license under par. (a) expires on the August 31 following its issuance. No person may transfer or assign a license issued under par. (a).

(2) LICENSE APPLICATION. A person shall apply for a grain warehouse keeper license in writing, on a form provided by the department. The applicant shall provide all of the following:

(a) The applicant’s legal name and any trade name under which the applicant proposes to operate as a grain warehouse keeper.
(b) A statement of whether the applicant is an individual, corporation, partnership, cooperative, limited liability company, trust, or other legal entity. If the applicant is a corporation or cooperative, the applicant shall identify each officer of the corporation or cooperative. If the applicant is a partnership, the applicant shall identify each partner.

(c) The mailing address of the applicant’s primary business location and the name of a responsible individual who may be contacted at that location.

(d) The street address and capacity of every grain warehouse that the applicant operates or proposes to operate in this state and the name of a responsible individual who may be contacted at each warehouse.

(e) The combined capacity of all grain warehouses identified under par. (d).

(f) All license fees and surcharges required under sub. (3).

(g) Proof that the applicant is insured as required under s. 126.27, unless the applicant has previously filed proof that remains current. The proof may consist of a certification provided by an insurance company licensed to do business in this state.

(h) A financial statement if required under s. 126.28 (1) and not yet filed.

(i) Other relevant information required by the department.

(3) LICENSE FEES AND SURCHARGES. A person applying for a grain warehouse keeper license shall pay the following fees and surcharges, unless the department specifies a different fee or surcharge amount by rule:

(a) A nonrefundable license processing fee of $25 plus $25 for each grain warehouse identified under sub. (2) (d). If a grain warehouse keeper operates 2 or more grain warehouses located within 0.5 mile of each other, the grain warehouse
keeper may treat those grain warehouses as a single grain warehouse for purposes of this paragraph and par. (c).

(b) The following inspection fee, less any credit provided under sub. (5):

1. A fee of $500 if the combined capacity of the applicant’s grain warehouses is less than 150,000 bushels.

2. A fee of $550 if the combined capacity of the applicant’s grain warehouses is at least 150,000 bushels but less than 250,000 bushels.

3. A fee of $600 if the combined capacity of the applicant’s grain warehouses is at least 250,000 bushels but less than 500,000 bushels.

4. A fee of $650 if the combined capacity of the applicant’s grain warehouses is at least 500,000 bushels but less than 750,000 bushels.

5. A fee of $700 if the combined capacity of the applicant’s grain warehouses is at least 750,000 bushels but less than 1,000,000 bushels.

6. A fee of $800 if the combined capacity of the applicant’s grain warehouses is at least 1,000,000 bushels but less than 2,000,000 bushels.

7. A fee of $900 if the combined capacity of the applicant’s grain warehouses is at least 2,000,000 bushels but less than 3,000,000 bushels.

8. A fee of $1,000 if the combined capacity of the applicant’s grain warehouses is at least 3,000,000 bushels but less than 4,000,000 bushels.

9. A fee of $1,100 if the combined capacity of the applicant’s grain warehouses is 4,000,000 bushels or more.

(c) A supplementary inspection fee of $275 for each grain warehouse that the applicant operates in excess of one grain warehouse.

(d) A license surcharge of $500 if the department determines that, within 365 days before submitting the license application, the applicant operated as a grain
warehouse keeper without a license in violation of sub. (1). The applicant shall also pay any license fees, license surcharges, and fund assessments that are still due for the license year in which the applicant violated sub. (1).

(e) A license surcharge of $100 if during the preceding 12 months the applicant failed to file an annual financial statement required under s. 126.28 (1) (b) by the applicable deadline.

(f) A license surcharge of $100 if a renewal applicant fails to renew a license by the license expiration date of August 31.

(3m) **Effect of payment of surcharge.** Payment under sub. (3) (d) does not relieve the applicant of any other civil or criminal liability that results from the violation of sub. (1), but does not constitute evidence of any law violation.

(4) **License for part of year; fees.** A person who applies for an annual grain warehouse keeper license after the beginning of a license year shall pay the full annual fee amounts required under sub. (3).

(5) **Fee credit.** If the fund balance contributed by grain warehouse keepers exceeds $300,000 on June 30 of any license year, the department shall credit 12.5% of the excess amount against fees charged under sub. (3) (b) to contributing grain warehouse keepers who file timely license renewal applications for the next license year. The department shall credit each contributing grain warehouse keeper on a prorated basis, in proportion to the total fees that the warehouse keeper has paid under sub. (3) (b) for the 4 preceding license years.

(6) **Fee statement.** The department shall provide, with each license application form, a written statement of all license fees and surcharges required under sub. (3) or the formula for determining them. The department shall specify any fee credit for which the applicant may qualify under sub. (5).
(7) No license without full payment. The department may not grant a license under sub. (1) until the applicant pays all license fees and surcharges identified in the department’s statement under sub. (6). The department shall refund a fee or surcharge paid under protest if upon review the department determines that the fee or surcharge is not applicable.

(8) Action granting or denying application. The department shall grant or deny a license application under sub. (2) within 30 days after the department receives a complete application. If the department denies a license application, the department shall give the applicant a written notice stating the reasons for the denial.

(9) License displayed. A grain warehouse keeper who is required to hold a license under sub. (1) shall prominently display a copy of that license at each grain warehouse.

(10) Notification. A licensed warehouse keeper shall notify the department, in writing, before the warehouse keeper adds a grain warehouse or changes the location or capacity of any grain warehouse. In the notice, the grain warehouse keeper shall specify any change in the combined capacity of grain warehouses operated by the grain warehouse keeper resulting from the proposed addition or change.

126.27 Grain warehouse keepers; insurance. (1) Fire and extended coverage insurance. A grain warehouse keeper licensed under s. 126.26 (1) shall maintain fire and extended coverage insurance, issued by an insurance company authorized to do business in this state, that covers all grain in the custody of the grain warehouse keeper, whether owned by the grain warehouse keeper or held for others, at the full local market value of the grain.
(2) Insurance cancellation; replacement. (a) No person may cancel an insurance policy required under sub. (1) unless that person serves a written notice of the intended cancellation on the department at least 30 days before the cancellation takes effect.

(b) Whenever an insurance policy under sub. (1) is canceled, the grain warehouse keeper shall replace the policy so that there is no lapse in coverage. Within 20 days after a cancellation notice under par. (a) is served on the department, and at least 10 days before the cancellation takes effect, the grain warehouse keeper shall provide the department with proof of the replacement policy. The department may accept, as proof, a certification provided by an insurance company licensed to do business in this state.

(3) Insurance deductibles. An insurance policy does not comply with sub. (1) if it contains any deductible clause that limits the insurer’s obligation to pay to each depositor the full value of the depositor’s covered losses under the policy. The grain warehouse keeper may agree to indemnify the insurer for a portion of each depositor claim that the insurer pays under the policy if the agreement does not limit the insurer’s obligation to pay each depositor the full amount of the depositor’s covered losses.

(4) Insurance disclosures. A grain warehouse keeper licensed under s. 126.26 (1) shall disclose all of the following to a depositor if the depositor requests that information:

(a) The material terms of the grain warehouse keeper’s fire and extended coverage insurance policy under sub. (1).
(b) Whether the grain warehouse keeper has liability insurance covering the grain warehouse keeper’s grain operations, and the material terms of that liability insurance policy.

(5) Insurance coverage; misrepresentation. No grain warehouse keeper may misrepresent any of the following to the department or a depositor:

(a) That the grain warehouse keeper is insured.

(b) The nature, coverage, or material terms of the grain warehouse keeper’s insurance policy.

126.28 Grain warehouse keepers; financial statements. (1) Required annual financial statement. (a) A grain warehouse keeper shall file an annual financial statement with the department before the department first licenses the warehouse keeper under s. 126.26 (1), if the warehouse keeper operates grain warehouses with a combined capacity of more than 300,000 bushels.

(b) A grain warehouse keeper licensed under s. 126.26 (1) shall file an annual financial statement with the department during each license year if the grain warehouse keeper operates warehouses with a combined capacity of more than 300,000 bushels. The grain warehouse keeper shall file the annual financial statement by the 15th day of the 4th month following the close of the grain warehouse keeper’s fiscal year, except that the department may extend the annual filing deadline for up to 30 days if the grain warehouse keeper, or the accountant reviewing or auditing the financial statement, files a written extension request at least 10 days before the filing deadline.

(2) Voluntary annual financial statement. A contributing grain warehouse keeper who is not required to file an annual financial statement under sub. (1) may
file an annual financial statement with the department in order to qualify for a lower
fund assessment under s. 126.30.

(3) **REVIEWED OR AUDITED FINANCIAL STATEMENT.** (a) A grain warehouse keeper
filing an annual financial statement under sub. (1) or (2) shall file an audited
financial statement if the warehouse keeper operates grain warehouses with a
combined capacity of more than 500,000 bushels.

(b) If par. (a) does not apply, a grain warehouse keeper filing an annual financial
statement under sub. (1) or (2) shall file either a reviewed financial statement or an
audited financial statement.

(4) **ACCOUNTING PERIOD.** A grain warehouse keeper filing an annual financial
statement under sub. (1) or (2) shall file a financial statement that covers the grain
warehouse keeper’s last completed fiscal year unless the grain warehouse keeper has
been in business for less than one year.

(4m) **INTERIM FINANCIAL STATEMENT.** The department may, at any time, require
a grain warehouse keeper licensed under s. 126.26 (1) to file an interim financial
statement with the department. The grain warehouse keeper shall provide, with the
interim financial statement, the warehouse keeper’s sworn and notarized statement
that the financial statement is correct. An interim financial statement need not be
a reviewed financial statement or an audited financial statement.

(5) **GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** (a) Except as provided in par.
(b), a grain warehouse keeper filing an annual financial statement under this section
shall file a financial statement that is prepared according to generally accepted
accounting principles.
(b) If a grain warehouse keeper is a sole proprietor and the grain warehouse keeper’s financial statement is not audited, the grain warehouse keeper shall file a financial statement that is prepared on a historical cost basis.

(6) Financial statement contents. (a) Except as provided in par. (b), a grain warehouse keeper filing a financial statement under this section shall file a financial statement that consists of a balance sheet, income statement, equity statement, statement of cash flows, notes to those statements, and any other information required by the department. A grain warehouse keeper who is a sole proprietor shall file his or her business and personal financial statements.

(b) If a grain warehouse keeper has been in business for less than one year, the grain warehouse keeper may file an annual financial statement under sub. (1) or (2) that consists of a balance sheet and notes.

(c) A grain warehouse keeper filing a financial statement under this section shall include in the financial statement, or in an attachment to the financial statement, calculations of all of the following:

1. The grain warehouse keeper’s current ratio, excluding any assets required to be excluded under sub. (7).

2. The grain warehouse keeper’s debt to equity ratio, excluding any assets required to be excluded under sub. (7).

(7) Assets excluded. A grain warehouse keeper may not include any of the following assets in calculating the ratios under sub. (6) (c), unless the department specifically approves their inclusion:

(a) A nontrade note or account receivable from an officer, director, employee, partner, or stockholder, or from a member of the family of any of those individuals,
unless the note or account receivable is secured by a first priority security interest in real or personal property.

(b) A note or account receivable from a parent organization, a subsidiary, or an affiliate other than an employee.

(c) A note or account that has been receivable for more than one year, unless the grain warehouse keeper has established an equal offsetting reserve for uncollectible notes and accounts receivable.

(9) **ENTITY COVERED.** A person filing a financial statement under this section may not file, in lieu of that person's financial statement, the financial statement of the person's parent organization, subsidiary, predecessor, or successor.

(10) **DEPARTMENT REVIEW.** The department may analyze a financial statement submitted under this section and may reject a financial statement that fails to comply with this section.

### 126.29 Contributing grain warehouse keepers; disqualification.

**CONTRIBUTION REQUIRED.** A grain warehouse keeper licensed under s. 126.26 (1) shall pay fund assessments under s. 126.30 unless the grain warehouse keeper is disqualified under sub. (2).

**DISQUALIFIED WAREHOUSE KEEPER.** (a) A grain warehouse keeper who is required to file security under s. 126.31 (1) is disqualified from the fund until the department releases that security under s. 126.31 (8) (a).

(b) A grain warehouse keeper is disqualified from the fund if the department denies, suspends, or revokes the grain warehouse keeper's license.

**PAYMENTS BY DISQUALIFIED GRAIN WAREHOUSE KEEPER.** (a) The department may not return, to a disqualified grain warehouse keeper, any fund assessments that the warehouse keeper paid as a contributing grain warehouse keeper.
(b) A disqualified grain warehouse keeper remains liable for any unpaid fund installment under s. 126.30 that became due while the grain warehouse keeper was a contributing grain warehouse keeper. A disqualified grain warehouse keeper is not liable for any fund installment that becomes due after the grain warehouse keeper is disqualified under sub. (2).

126.30 Grain warehouse keepers; fund assessments. (1) General. A contributing grain warehouse keeper shall pay an annual fund assessment for each license year. The assessment equals $20 or the sum of the following, whichever is greater, unless the department by rule specifies a different assessment:

(a) The grain warehouse keeper’s current ratio assessment. The current ratio assessment for a license year is the amount, expressed as dollars, equal to the grain warehouse keeper’s current ratio assessment rate under sub. (2) multiplied by the number of bushels that the grain warehouse keeper reports under s. 126.26 (2) (e) or (10).

(b) The warehouse keeper’s debt to equity ratio assessment. The debt to equity ratio assessment for each license year is the amount, expressed as dollars, equal to the grain warehouse keeper’s debt to equity ratio assessment rate under sub. (4) multiplied by the number of bushels that the warehouse keeper reports under s. 126.26 (2) (e) or (10).

(2) Current ratio assessment rate. A grain warehouse keeper’s current ratio assessment rate is calculated, at the beginning of the license year, as follows:

(a) If the grain warehouse keeper has filed an annual financial statement under s. 126.28 and that financial statement shows a current ratio of at least 1.25 to 1.0, the grain warehouse keeper’s current ratio assessment rate equals the greater
of zero or the current ratio assessment factor in sub. (3) (a) multiplied by an amount determined as follows:

1. Subtract one from the current ratio.

2. Divide the amount determined under subd. 1. by 3.

3. Multiply the amount determined under subd. 2. by negative one.

4. Raise the amount determined under subd. 3. to the 3rd power.

5. Subtract 0.75 from the current ratio.

6. Divide 0.65 by the amount determined under subd. 5.

7. Raise the amount determined under subd. 6. to the 5th power.

8. Add the amount determined under subd. 4. to the amount determined under subd. 7.

9. Add 2 to the amount determined under subd. 8.

(b) If the grain warehouse keeper has filed an annual financial statement under s. 126.28 and that financial statement shows a current ratio of less than 1.25 to 1.0, but greater than 1.0 to 1.0, the grain warehouse keeper’s current ratio assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied by the following amount:

1. Subtract one from the current ratio.

2. Divide the amount determined under subd. 1. by 3.

3. Multiply the amount determined under subd. 2. by negative one.

4. Raise the amount determined under subd. 3. to the 3rd power.

5. Subtract 0.75 from the current ratio.

6. Divide 0.65 by the amount determined under subd. 5.

7. Raise the amount determined under subd. 6. to the 5th power.
8. Add the amount determined under subd. 4. to the amount determined under subd. 7.

9. Add 2 to the amount determined under subd. 8.

(c) If the grain warehouse keeper has filed an annual financial statement under s. 126.28 and that financial statement shows a current ratio of less than or equal to 1.0 to 1.0, the warehouse keeper’s current ratio assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 120.81376.

(d) If the grain warehouse keeper has not filed an annual financial statement under s. 126.28, the warehouse keeper’s current ratio assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 5.71235.

(3) CURRENT RATIO ASSESSMENT FACTOR. (a) A grain warehouse keeper’s current ratio assessment factor under sub. (2) (a) is 0.00003 except that, for the grain warehouse keeper’s 5th or higher consecutive full license year as a contributing grain warehouse keeper, the grain warehouse keeper’s current ratio assessment factor is zero.

(b) A grain warehouse keeper’s current ratio assessment factor under sub. (2) (b) to (d) is 0.000045 except that, for the grain warehouse keeper’s 5th or higher consecutive full license year as a contributing grain warehouse keeper, the grain warehouse keeper’s current ratio assessment factor is 0.000036.

(4) DEBT TO EQUITY RATIO ASSESSMENT RATE. A grain warehouse keeper’s debt to equity ratio assessment rate is calculated, at the beginning of the license year, as follows:

(a) If the grain warehouse keeper has filed an annual financial statement under s. 126.28 and that financial statement shows positive equity and a debt to equity ratio of not more than 4.0 to 1.0, the grain warehouse keeper’s debt to equity
ratio assessment rate equals the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a) multiplied by the following amount:

1. Subtract 4 from the debt to equity ratio.

2. Divide the amount determined under subd. 1. by 3.

3. Raise the amount determined under subd. 2. to the 3rd power.

4. Subtract 1.7 from the debt to equity ratio.

5. Divide the amount determined under subd. 4. by 1.75.

6. Raise the amount determined under subd. 5. to the 7th power.

7. Add the amount determined under subd. 3. to the amount determined under subd. 6.

8. Add 2 to the amount determined under subd. 7.

(b) If the grain warehouse keeper has filed an annual financial statement under s. 126.28 and that financial statement shows a debt to equity ratio of greater than 4.0 to 1.0 but less than 5.0 to 1.0, the grain warehouse keeper’s debt to equity ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the following amount:

1. Subtract 4 from the debt to equity ratio.

2. Divide the amount determined under subd. 1. by 3.

3. Raise the amount determined under subd. 2. to the 3rd power.

4. Subtract 1.7 from the debt to equity ratio.

5. Divide the amount determined under subd. 4. by 1.75.

6. Raise the amount determined under subd. 5. to the 7th power.

7. Add the amount determined under subd. 3. to the amount determined under subd. 6.

8. Add 2 to the amount determined under subd. 7.
(c) If the grain warehouse keeper has filed an annual financial statement under s. 126.28 and that financial statement shows negative equity or a debt to equity ratio of at least 5.0 to 1.0, the grain warehouse keeper’s debt to equity ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 86.8244.

(d) If the grain warehouse keeper has not filed an annual financial statement under s. 126.28, the grain warehouse keeper’s debt to equity ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 8.77374.

(5) Debt to Equity Ratio Assessment Factor. (a) A grain warehouse keeper’s debt to equity ratio assessment factor under sub. (4) (a) is 0.0000125, except that it is zero for the grain warehouse keeper’s 5th or higher consecutive full license year as a contributing grain warehouse keeper.

(b) A grain warehouse keeper’s debt to equity ratio assessment factor under sub. (4) (b) to (d) is 0.00001875, except that it is 0.000015 for the grain warehouse keeper’s 5th or higher consecutive full license year as a contributing grain warehouse keeper.

(6) Quarterly Installments. (a) A contributing grain warehouse keeper shall pay the grain warehouse keeper’s annual fund assessment in equal quarterly installments that are due as follows:

1. The first installment is due on October 1 of the license year.
2. The 2nd installment is due on January 1 of the license year.
3. The 3rd installment is due on April 1 of the license year.
4. The 4th installment is due on July 1 of the license year.

(b) A contributing grain warehouse keeper may prepay any of the quarterly installments under par. (a).
(c) A contributing grain warehouse keeper who applies for an annual license after the beginning of a license year shall pay the full annual fund assessment required under this section. The grain warehouse keeper shall pay, with the first quarterly installment that becomes due after the day on which the department issues the license, all of the quarterly installments that were due before that day.

(d) A contributing grain warehouse keeper who fails to pay the full amount of any quarterly installment when due shall pay, in addition to that installment, a late payment penalty of $50 or 10% of the overdue installment amount, whichever is greater.

(7) Notice of Annual Assessment and Quarterly Installments. When the department issues an annual license to a contributing grain warehouse keeper, the department shall notify the grain warehouse keeper of all of the following:

(a) The amount of the grain warehouse keeper’s annual fund assessment under this section.

(b) The amount of each required quarterly installment under sub. (6), and the date by which the grain warehouse keeper must pay each installment.

(c) The penalty that applies under sub. (6) (d) if the grain warehouse keeper fails to pay any quarterly installment when due.

126.31 Grain warehouse keepers; security. (1) Security required. A grain warehouse keeper shall file security with the department, and maintain that security until the department releases it under sub. (8), if all of the following apply when the department first licenses the grain warehouse keeper under s. 126.26 (1):

(a) The grain warehouse keeper operates grain warehouses with a combined capacity of more than 300,000 bushels.
(b) The grain warehouse keeper’s annual financial statement under s. 126.28
(1) (a) shows negative equity.

(2) SECURITY CONTINUED. A grain warehouse keeper who filed security under
ch. 127, 1999 stats., before September 1, 2002, shall maintain that security until the
department releases it under sub. (8).

(3) AMOUNT OF SECURITY. A grain warehouse keeper who is required to file or
maintain security under this section shall at all times maintain security equal to at
least 20% of the current local market value of grain that the grain warehouse keeper
holds in this state for others.

(4) FORM OF SECURITY. The department shall review, and determine whether
to approve, security filed or maintained under this section. The department may
approve only the following types of security:

(a) Currency.

(b) A commercial surety bond if all of the following apply:

1. The surety bond is made payable to the department for the benefit of
depositors.

2. The surety bond is issued by a person authorized to operate a surety business
in this state.

3. The surety bond is issued as a continuous term bond that may be canceled
only with the department’s written agreement, or upon 90 days’ prior written notice
served on the department in person or by certified mail.

4. The surety bond is issued in a form, and subject to any terms and conditions,
that the department considers appropriate.

(c) A certificate of deposit or money market certificate, if all of the following
apply:
1. The certificate is issued or endorsed to the department for the benefit of
depositors.

2. The certificate may not be canceled or redeemed without the department’s
written permission.

3. No person may transfer or withdraw funds represented by the certificate
without the department’s written permission.

4. The certificate renews automatically without any action by the department.

5. The certificate is issued in a form, and subject to any terms and conditions,
that the department considers appropriate.

(d) An irrevocable bank letter of credit if all of the following apply:

1. The letter of credit is payable to the department for the benefit of depositors.

2. The letter of credit is issued on bank letterhead.

3. The letter of credit is issued for an initial period of at least one year.

4. The letter of credit renews automatically unless at least 90 days before the
scheduled renewal date the issuing bank gives the department written notice, in
person or by certified mail, that the letter of credit will not be renewed.

5. The letter of credit is issued in a form, and subject to any terms and
conditions, that the department considers appropriate.

(e) Security filed under ch. 127, 1999 stats., before September 1, 2002, except
that on January 1, 2003, the department shall withdraw its approval of any security
that is not approvable under pars. (a) to (d).

(5) DEPARTMENT CUSTODY OF SECURITY. The department shall hold, in its custody,
all security filed and maintained under this section. The department shall hold the
security for the benefit of depositors.
(6) ADDITIONAL SECURITY. (a) The department may, at any time during a license year, demand additional security from a grain warehouse keeper if any of the following applies:

1. The grain warehouse keeper’s existing security falls below the amount required under sub. (3) for any reason, including depreciation in the value of the security, increased obligations to depositors, or the cancellation of any security filed with the department.

2. The grain warehouse keeper fails to provide required information that is relevant to a determination of security requirements.

(b) The department shall issue a demand under par. (a) in writing. The department shall indicate why additional security is required, the amount of security required, and the deadline date for filing security. The department may not specify a deadline for filing security that is more than 30 days after the date on which the department issues its demand for security.

(c) A grain warehouse keeper may request a hearing, under ch. 227, on a demand for security under par. (b). A request for hearing does not automatically stay a security demand.

(d) If a grain warehouse keeper fails to comply with the department’s demand for security under this subsection, the grain warehouse keeper shall give written notice of that fact to all depositors. If the grain warehouse keeper fails to give accurate notice under this paragraph within 5 days after the deadline for filing security under par. (b) has passed, the department shall promptly notify depositors by publishing a class 3 notice under ch. 985. The department may also give individual notice to depositors of whom the department is aware.
(e) If a grain warehouse keeper fails to comply with the department’s demand for security under this subsection, the department may do any of the following:

1. Issue an appropriate summary order under s. 126.85 (2).

2. Suspend or revoke the grain warehouse keeper’s license.

(7) MONTHLY REPORTS. A grain warehouse keeper who is required to file or maintain security under this section shall file monthly reports with the department. The grain warehouse keeper shall file the report by the 10th day of each month, in a form specified by the department. In a monthly report, the grain warehouse keeper shall provide information reasonably required by the department, including the amount of each type of grain stored in each grain warehouse on the last day of the preceding month.

(8) RELEASING SECURITY. (a) The department may release security filed under sub. (1) if any of the following applies:

1. The grain warehouse keeper reports grain warehouse capacity under s. 126.26 (2) (e) of less than 300,000 bushels for at least 2 consecutive license years and the grain warehouse keeper pays the quarterly fund assessment that would have been required of the grain warehouse keeper if the grain warehouse keeper had been a contributing grain warehouse keeper on the most recent quarterly installment date under s. 126.30 (6).

2. The grain warehouse keeper’s annual financial statement under s. 126.28 shows positive equity for at least 2 consecutive years and the grain warehouse keeper pays the quarterly fund assessment that would have been required of the grain warehouse keeper if the grain warehouse keeper had been a contributing grain warehouse keeper on the most recent quarterly installment date under s. 126.30 (6).
(b) On December 1, 2002, the department may release security maintained under sub. (2), unless the grain warehouse keeper is required to file security under sub. (1).

c) The department may release security to the extent that the security exceeds the amount required under sub. (3).

d) The department may release security if the grain warehouse keeper files alternative security, of equivalent value, that the department approves.

e) The department shall release security if the grain warehouse keeper has gone out of business and has fulfilled all grain obligations to depositors.

126.32 Grain warehouse keepers; records. (1) Records and accounts; general. A grain warehouse keeper shall maintain current, complete, and accurate records and accounts of all grain received into and withdrawn from each grain warehouse, including records required under subs. (2) and (3).

(2) Daily position records. A grain warehouse keeper shall keep daily position records for each type of grain, so that the grain warehouse keeper and the department can easily determine all of the following on a daily basis:

(a) The total amount of grain held by the warehouse keeper, including grain under pars. (b) and (c).

(b) The total amount of grain that the warehouse keeper holds for others.

(c) The total amount of grain held by the warehouse keeper of which the warehouse keeper claims ownership.

(d) The warehouse keeper’s total grain obligations to depositors.

(3) Depositor records. A grain warehouse keeper shall keep for each depositor, in a form that the grain warehouse keeper and the department can easily retrieve, records of all of the following:
(a) The depositor’s name and address.

(b) The kinds and amounts of grain that the grain warehouse keeper received from the depositor, the receipt dates, and the terms under which the grain warehouse keeper received the grain.

(c) The kinds and amounts of grain that the grain warehouse keeper has released to the depositor and the release dates.

(d) The kinds and amounts of grain that the grain warehouse keeper holds for the depositor. The grain warehouse keeper shall update this record on a daily basis.

(4) Adjusting Records. (a) Whenever a grain warehouse keeper alters a record entry under sub. (2) or (3), the grain warehouse keeper shall clearly identify and explain the alteration so that the reason for the alteration is clear to a person reviewing the records.

(b) Except as provided in par. (c), a grain warehouse keeper may not alter a record entry under sub. (2) or (3) without the department’s prior approval.

(c) A grain warehouse keeper may, without the department’s prior approval, correct a record entry under sub. (2) or (3) for any of the following reasons:

1. To account for handling losses, if the warehouse keeper corrects for handling losses at least monthly.

2. To account for errors or omissions related to the receipt or withdrawal of grain, if the warehouse keeper has documentation to support the correction.

(5) Records Retention; Availability. (a) A grain warehouse keeper shall retain all of the following records for at least 6 years from the date of their creation:

1. Records required under this section and s. 126.33 (3).

2. Records that the grain warehouse keeper was required to keep under ch. 127, 1999 stats., and department rules, before January 1, 2002.
(b) If a grain warehouse keeper keeps records under subs. (2) and (3) in computerized form, the grain warehouse keeper shall generate a hard copy printout for each business day unless the grain warehouse keeper retains the ability to retrieve and print that day’s computerized record for at least 6 years.

(c) A grain warehouse keeper shall make records required under this section available to the department for inspection and copying upon request.

6 REVIEWING RECORDS. (a) The department shall review the records that a grain warehouse keeper is required to keep under this section. The department shall review a grain warehouse keeper’s records at least annually, except as provided in par. (b).

(b) The department shall review a grain warehouse keeper’s records at least once every 2 years if the grain warehouse keeper files an annual financial statement under s. 126.28 and that annual financial statement shows a current ratio of at least 2.0 to 1.0, positive equity, and a debt to equity ratio of not more than 2.0 to 1.0.

126.33 Receipts for grain. (1) REQUIREMENT. Immediately after a grain warehouse keeper receives grain from a depositor, the grain warehouse keeper shall give the depositor a warehouse receipt or other storage receipt that includes all of the following:

(a) The name and permanent address of the grain warehouse keeper, the location of the grain warehouse, and a statement indicating whether the grain warehouse keeper is a corporation.

(b) A statement identifying the document as a warehouse receipt or other storage receipt.

(c) The date on which the grain warehouse keeper received the grain.

(d) The kind of grain received.
(e) The net weight of grain received.

(f) The grade and quality of grain received, if determined.

(g) The word “negotiable” or “nonnegotiable,” conspicuously, if the document is issued as a warehouse receipt. If a grain warehouse keeper transfers depositor-owned grain to another warehouse keeper, the receiving grain warehouse keeper shall issue a receipt that conspicuously bears the word “nonnegotiable.”

(h) A statement indicating that the depositor must remove the grain from storage by a specified date that is not more than 3 years after the date of deposit. This requirement does not apply to any of the following:

1. A warehouse receipt.
2. A receipt for grain owned by the federal commodity credit corporation.
3. A receipt for grain pledged as collateral for a loan from the federal department of agriculture.

(2) GRAIN OWNERSHIP. If a person delivers grain to a recipient who is both a grain warehouse keeper and a grain dealer, as defined in s. 126.10 (9), the delivery is considered a deposit for storage unless it is clearly documented as a delivery of purchased grain. A receipt issued by such a recipient is considered a storage receipt unless it is clearly designated as a receipt for the delivery of purchased grain.

(3) WAREHOUSE KEEPER’S COPY. A grain warehouse keeper shall keep a copy of every warehouse receipt and other document that the grain warehouse keeper issues under sub. (1). The grain warehouse keeper shall retain a copy of each document for at least 6 years after the grain warehouse keeper issues the document and shall make copies available to the department for inspection and copying upon request.
126.34 Grain warehouse keepers; business practices. (1) Grain weight, grade, and quality. A grain warehouse keeper shall do all of the following when determining the weight, grade, or quality of grain:

(a) Accurately determine the weight, grade, or quality using accurate weighing, testing, or grading equipment.

(b) Accurately record the determined weight, grade, or quality.

(2) Care of grain; facilities. A grain warehouse keeper shall safeguard grain held for others and shall protect that grain from loss or abnormal deterioration. A grain warehouse keeper shall maintain adequate facilities and equipment for that purpose.

(3) Sufficient inventory. A grain warehouse keeper shall at all times maintain grain inventories sufficient in quantity and quality to meet all outstanding obligations to depositors.

(4) Returning grain to depositors. (a) Except as provided in par. (b), a grain warehouse keeper shall deliver to a depositor, upon demand, the same grade and amount of grain as was deposited.

(b) If a grain warehouse keeper does not have enough grain of the appropriate grade to satisfy a depositor’s demand under par. (a), the warehouse keeper may substitute any of the following with the agreement of the depositor:

1. A monetary payment sufficient to provide the depositor with equivalent value, based on current local grain prices.

2. A sufficient amount of a higher grade of grain to provide the depositor with equivalent value, based on current local grain prices.

(c) A grain warehouse keeper may not provide grain or payments under par. (b) whose value exceeds the current value of the grain that was deposited.
(5) PROHIBITED PRACTICES. No grain warehouse keeper may do any of the following:

(a) Misrepresent the weight, grade, or quality of grain received from or delivered to any person.

(b) Falsify any record or account, or conspire with any other person to falsify a record or account.

(c) Make any false or misleading representation to the department.

(d) If the grain warehouse keeper is licensed under s. 126.26 (1), engage in any activity that is inconsistent with representations made in the grain warehouse keeper’s annual license application.

(e) Make any false or misleading representation to a depositor related to matters regulated under this chapter.

(f) Fail to file the full amount of security required under s. 126.31 (6) by the date that the department specifies.

SUBCHAPTER V

MILK CONTRACTORS

126.40 Definitions. In this subchapter:

(1) “Contributing milk contractor” means a milk contractor who is licensed under s. 126.41 (1), who either has paid one or more quarterly installments under s. 126.46 or is required to contribute to the fund, but the first quarterly installment under s. 126.46 (6) is not yet due, and who is not disqualified from the fund under s. 126.45 (3).

(2) “Current ratio” means the ratio of the value of current assets to the value of current liabilities, calculated according to s. 126.44 (8) (c) 1.

(3) “Dairy farm” has the meaning given in s. 97.22 (1) (a).
“Dairy plant” has the meaning given in s. 97.20 (1) (a).

“Dairy plant operator” means a person who holds or is required to hold a dairy plant license under s. 97.20.

“Debt to equity ratio” means the ratio of the value of liabilities to equity, calculated according to s. 126.44 (8) (c) 2.

“Disqualified milk contractor” means a milk contractor who is disqualified from the fund under s. 126.45 (3).

“License year” means the period beginning on May 1 and ending on the following April 30.

“Milk contractor” means a person who buys producer milk or who markets producer milk as a producer agent. “Milk contractor” does not include any of the following:

(a) A person who merely brokers a contract between a milk producer and a milk contractor, without becoming a party to the contract, taking control of milk, or accepting payment on behalf of the milk producer.

(b) A person who merely buys or sells milk on a board of trade or commodity exchange.

“Milk payroll obligation” means a milk contractor’s gross obligation to a milk producer or producer agent, whether paid or unpaid, for producer milk that the milk contractor procures in this state.

“Milk producer” means a person who produces milk on a dairy farm.

“Procure producer milk” means to buy producer milk or acquire the right to market producer milk.

“Procure producer milk in this state” means any of the following:

(a) To buy producer milk for receipt in this state.
(b) To receive producer milk directly from a dairy farm in this state.

(c) To collect producer milk from a dairy farm in another state, for direct shipment to a dairy plant that the milk contractor operates in this state.

(d) To acquire the right to market producer milk that is produced in this state.

(13) “Producer agent” means a person who acts on behalf of a milk producer to market or accept payment for producer milk without taking title to that milk, including a person who uses a producer trust fund to market or accept payment for producer milk. “Producer agent” does not include any of the following:

(a) A person who merely brokers a contract between a milk producer and a milk contractor, without becoming a party to the contract, taking control of milk, or accepting payment on behalf of the milk producer.

(b) A person who merely holds or transports milk for a milk producer without marketing or accepting payment for milk on behalf of the milk producer.

(14) “Producer milk” means milk that is owned by or held in trust for one or more milk producers. “Producer milk” includes milk that a producer agent markets for a producer, without taking title to the milk.

126.41 Milk contractors; licensing. (1) Annual license. (a) No milk contractor may do any of the following without a current annual license from the department:

1. Receive producer milk in this state.

2. Collect producer milk from a dairy farm in another state for direct shipment to a dairy plant that the milk contractor operates in this state.

3. Acquire the right to market, as a producer agent, producer milk produced in this state.
(b) A milk contractor who is not engaged in any activities under par. (a) may volunteer to be licensed if the milk contractor receives, outside this state, direct shipments of producer milk from dairy farms in this state.

(c) The department shall issue annual milk contractor licenses under pars. (a) and (b). A license expires on the April 30 following its issuance. No person may transfer or assign a license issued under par. (a) or (b).

(2) LICENSE APPLICATION. A milk contractor shall apply for a license under sub. (1) in writing, on a form provided by the department. An applicant shall provide all of the following:

(a) The applicant's legal name and any trade name under which the applicant proposes to operate as a milk contractor. If the milk contractor is a dairy plant operator licensed under s. 97.20, the milk contractor shall use the same legal name in both license applications.

(b) A statement of whether the applicant is an individual, corporation, partnership, cooperative, limited liability company, trust, or other legal entity. If the applicant is a corporation or cooperative, the applicant shall identify each officer of the corporation or cooperative. If the applicant is a partnership, the applicant shall identify each partner.

(c) The mailing address of the applicant's primary business location and the name of a responsible individual who may be contacted at that location.

(d) The street address of each business location from which the applicant will operate under the license and the name of a responsible person who may be contacted at each location that is staffed.

(e) All license fees and surcharges required under sub. (3).

(f) The sworn and notarized statement required under sub. (6).
(g) A financial statement if required under s. 126.44 (1) and not yet filed.

(h) Other relevant information required by the department.

(3) Annual license fees and surcharges. A milk contractor applying for a license under sub. (1) shall include the following fees and surcharges with the license application, unless the department specifies a different fee or surcharge amount by rule:

(a) A nonrefundable license processing fee of $25, regardless of whether the application is made after the beginning of a license year.

(b) A license surcharge of $500 if the department determines that, within 365 days before submitting the license application, the applicant operated without a license in violation of sub. (1). The applicant shall also pay any license fees, license surcharges, and fund assessments that are still due for any license year in which the applicant violated sub. (1).

(c) A license surcharge of $100 if during the preceding 12 months the applicant failed to file an annual financial statement required under s. 126.44 (1) (b) by the applicable deadline.

(d) A license surcharge of $100 if a renewal applicant fails to renew a license by the license expiration date of April 30.

(3m) Effect of payment of surcharge. Payment under sub. (3) (b) does not relieve the applicant of any other civil or criminal liability that results from the violation of sub. (1), but does not constitute evidence of any law violation.

(4) Fee statement. The department shall provide, with each license application form, a written statement of all license fees and surcharges required under sub. (3).

(5) No license without full payment. The department may not issue a license under sub. (1) until the applicant pays all license fees and surcharges identified in
the department’s statement under sub. (4). The department shall refund a fee or surcharge paid under protest if upon review the department determines that the fee or surcharge is not applicable.

(6) **Sworn and notarized statement.** As part of a license application under sub. (2), an applicant shall provide a sworn and notarized statement, signed by the applicant or an authorized officer of the applicant, that reports all of the following information:

(a) The total milk payroll obligations that the applicant incurred during the applicant’s last completed fiscal year. If the applicant has not yet operated as a milk contractor, the applicant shall estimate the total milk payroll obligations that the applicant will incur during the applicant’s first complete fiscal year.

(b) The largest amount of unpaid milk payroll obligations that the milk contractor had at any time during the milk contractor’s last completed fiscal year.

(c) The identity of any producer agents from whom the milk contractor procures producer milk.

(d) Other relevant information required by the department.

(7) **Action granting or denying application.** The department shall grant or deny a license application under sub. (2) within 30 days after the department receives a complete application. If the department denies a license application, the department shall give the applicant written notice stating the reasons for the denial.

(8) **License displayed.** A milk contractor licensed under sub. (1) shall prominently display a true copy of that license at each business location from which the milk contractor operates in this state.
(9) Notification required. A milk contractor who files security under s. 126.47 shall immediately notify the department if, at any time, the milk contractor’s unpaid milk payroll obligations exceed the amount last reported under sub. (6) (b).

126.42 Milk contractors; monthly license fee. (1) Monthly license fee payment. Except as provided under sub. (5) or (6), a milk contractor licensed under s. 126.41 (1) shall pay to the department, by the 25th day of each month, a monthly license fee of 0.15 cent for each 100 pounds of producer milk that the milk contractor procured in this state during the preceding month. The milk contractor shall submit, with the fee payment, a report stating the number of pounds of producer milk that the milk contractor procured in this state during the preceding month.

(2) Late payment surcharge. If a milk contractor fails to pay a monthly fee under sub. (1) when due, the milk contractor shall pay, in addition to that monthly fee, a surcharge equal to 20% of the monthly fee. The milk contractor shall pay the surcharge by the 25th day of the following month.

(3) Fee credits. If the balance in the fund contributed by milk contractors exceeds $4,000,000 on February 28 of any license year, the department shall credit 50% of the excess amount against fees charged under sub. (1) to contributing milk contractors who file timely renewal applications for the next license year. The department shall credit each contributing milk contractor on a prorated basis, in proportion to the total fees that the milk contractor has paid under sub. (1) for the 4 preceding license years. Each month that a contributing contractor who qualifies for a credit under this subsection pays fees under sub. (1), the department shall credit to the contributing milk contractor one-twelfth of the total annual credit determined under this subsection.
(4) Fee statement. Whenever the department issues an annual license to a milk contractor under s. 126.41 (1), the department shall give the milk contractor notice of the monthly fees required under this section. The department shall specify all of the following:

(a) The method for computing the monthly fee.

(b) The date by which the milk contractor must pay the fee each month.

(c) The late payment surcharge that may apply under sub. (2).

(d) The fee credit, if any, that applies under sub. (3).

(5) Producer agents; exemption. A producer agent is not required to pay the monthly fee under sub. (1) for producer milk that the producer agent markets to a milk contractor who is licensed under s. 126.41 (1) and who pays the monthly fee on the same milk.

(6) Fee changes. The department may modify the license fees under sub. (1) by rule, as provided under s. 126.81 (2).

126.43 Milk contractors; insurance. (1) Fire and extended coverage insurance. A milk contractor licensed under s. 126.41 (1) shall maintain fire and extended coverage insurance that covers, at their full value, all milk and milk products in the possession, custody, or control of the milk contractor. If the milk contractor is required to be licensed under s. 126.41 (1) (a), the milk contractor shall maintain insurance issued by an insurance company authorized to do business in this state.

(2) Insurance cancellation; replacement. Whenever an insurance policy under sub. (1) is canceled, the milk contractor shall replace the policy so that there is no lapse in coverage.
(3) Insurance coverage; misrepresentation. No milk contractor may
misrepresent any of the following to the department or to any milk producer or
producer agent:

(a) That the milk contractor is insured.

(b) The nature, coverage, or material terms of the milk contractor’s insurance
policy.

126.44 Milk contractors; financial statements. (1) Required annual
financial statement. (a) A milk contractor shall file an annual financial statement
with the department before the department first licenses the milk contractor under
s. 126.41 (1), unless the milk contractor reports no more than $1,500,000 in annual
milk payroll obligations under s. 126.41 (6) (a).

(b) Except as provided in par. (c), a milk contractor licensed under s. 126.41 (1)
shall file an annual financial statement with the department during each license
year. The milk contractor shall file the annual financial statement by the 15th day
of the 4th month following the close of the milk contractor’s fiscal year. The
department may extend the filing deadline for up to 30 days if the milk contractor,
or the accountant preparing the financial statement, files a written extension
request at least 10 days before the filing deadline.

(c) Paragraph (b) does not apply to any of the following:

1. A contributing milk contractor who reports no more than $1,500,000 in
annual milk payroll obligations under s. 126.41 (6) (a).

2. A contributing milk contractor who procures producer milk in this state
solely as a producer agent.
(2) Voluntary Annual Financial Statement. A milk contractor licensed under s. 126.41 (1) who is not required to file a financial statement under sub. (1) may file an annual financial statement with the department for any of the following reasons:

   (a) To avoid being required to contribute to the fund under s. 126.45 (1) (a).
   
   (b) To qualify for a lower fund assessment under s. 126.46.

(3) Quarterly Financial Statements. A milk contractor licensed under s. 126.41 (1) who is not a contributing milk contractor shall file quarterly financial statements with the department for the first 3 quarters in each of the milk contractor’s fiscal years. The milk contractor shall file each quarterly financial statement no later than 60 days after the end of the fiscal quarter to which the financial statement pertains. With each quarterly financial statement, the milk contractor shall include the milk contractor’s sworn and notarized statement that the financial statement is correct.

(5) Reviewed or Audited Financial Statement. (a) A milk contractor filing an annual financial statement under sub. (1) or (2) shall file an audited financial statement if the milk contractor reports more than $6,000,000 in annual milk payroll obligations under s. 126.41 (6) (a).

   (b) If par. (a) does not apply, a milk contractor filing an annual financial statement under sub. (1) or (2) shall file either a reviewed financial statement or an audited financial statement.

(6) Accounting Period. A milk contractor filing an annual financial statement under sub. (1) or (2) shall file a financial statement that covers the milk contractor’s last completed fiscal year unless the milk contractor has been in business for less than one year.
(6m) **INTERIM FINANCIAL STATEMENT.** The department may, at any time, require a milk contractor licensed under s. 126.41 (1) to file an interim financial statement with the department. With the interim financial statement, the milk contractor shall provide the milk contractor’s sworn and notarized statement that the financial statement is correct. An interim financial statement need not be a reviewed financial statement or an audited financial statement.

(7) **GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.** (a) Except as provided in par. (b), a milk contractor filing an annual financial statement under this section shall file a financial statement that is prepared according to generally accepted accounting principles.

(b) If a milk contractor is a sole proprietor and the milk contractor’s financial statement is not audited, the milk contractor shall file a financial statement that is prepared on a historical cost basis.

(8) **FINANCIAL STATEMENT CONTENTS.** (a) Except as provided in par. (b), a milk contractor filing a financial statement under this section shall file a financial statement that consists of a balance sheet, income statement, equity statement, statement of cash flows, notes to those statements, and any other information required by the department. If the milk contractor is a sole proprietor, the milk contractor shall file his or her business and personal financial statements.

(b) If a milk contractor has been in business for less than one year, the milk contractor may file an annual financial statement under sub. (1) or (2) consisting of a balance sheet and notes. A milk contractor may file a quarterly financial statement under sub. (3) consisting of a balance sheet and income statement.
(c) A milk contractor filing a financial statement under this section shall include in the financial statement, or in an attachment to the financial statement, calculations of all of the following:

1. The milk contractor’s current ratio, excluding any assets required to be excluded under sub. (9).

2. The milk contractor’s debt to equity ratio, excluding any assets required to be excluded under sub. (9).

(9) Assets excluded. A milk contractor may not include any of the following assets in the calculations under sub. (8) (c), unless the department specifically approves their inclusion:

(a) A nontrade note or account receivable from an officer, director, employee, partner, or stockholder, or from a member of the family of any of those individuals, unless the note or account receivable is secured by a first priority security interest in real or personal property.

(b) A note or account receivable from a parent organization, a subsidiary, or an affiliate other than an employee.

(c) A note or account that has been receivable for more than one year, unless the milk contractor has established an equal offsetting reserve for uncollectible notes and accounts receivable.

(10) Entity covered. A person filing a financial statement under this section may not file, in lieu of that person’s financial statement, the financial statement of the person’s parent organization, subsidiary, predecessor, or successor.

(11) Department review. The department may analyze a financial statement submitted under this section and may reject a financial statement that fails to comply with this section.
126.45 Contributing milk contractors; disqualification. (1) REQUIRED

CONTRIBUTORS. (a) Except as provided in sub. (3), a licensed milk contractor shall pay fund assessments under s. 126.46 if the milk contractor does not file annual and quarterly financial statements under s. 126.44.

(b) Except as provided in sub. (3), a licensed milk contractor shall pay fund assessments under s. 126.46 if the milk contractor files an annual, quarterly, or interim financial statement under s. 126.44 that shows a current ratio of less than 1.25 to 1.0, a debt to equity ratio of more than 2.0 to 1.0, or negative equity. The milk contractor shall continue to pay fund assessments until the milk contractor files 2 consecutive annual financial statements under s. 126.44 that show a current ratio of at least 1.25 to 1.0, positive equity, and a debt to equity ratio of not more than 2.0 to 1.0.

(2) VOLUNTARY CONTRIBUTORS. Except as provided in sub. (3), a licensed milk contractor who is not required to pay fund assessments under s. 126.46 may elect to do so.

(3) DISQUALIFIED CONTRACTORS. (a) A milk contractor who is required to file security under s. 126.47 (1) is disqualified from the fund until the department releases that security under s. 126.47 (7) (a).

(b) A milk contractor is disqualified from the fund if the department denies, suspends, or revokes the milk contractor’s license.

(c) The department may, by written notice, disqualify a milk contractor for any of the following reasons:

1. Failure to pay fund assessments under s. 126.46 when due.

2. Failure to file a financial statement under s. 126.44 when due.
3. Failure to reimburse the department, within 60 days after the department issues a reimbursement demand under s. 126.73 (1), for the full amount that the department pays to claimants under s. 126.72 (1) because of that milk contractor’s default.

4. Failure to reimburse a bond surety, within 60 days after the bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of claimants affected by that milk contractor’s default.

(4) Effect of disqualification. (a) A milk contractor disqualified under sub. (3) (c) may not engage in any activities for which a license is required under s. 126.41 (1) (a) if the milk contractor files an annual, quarterly, or interim financial statement under s. 126.44 that shows a current ratio of less than 1.25 to 1.0, a debt to equity ratio of more than 2.0 to 1.0, or negative equity.

(b) The department may not return, to a disqualified milk contractor, any fund assessments that the milk contractor paid as a contributing milk contractor.

(c) A disqualified milk contractor remains liable for any unpaid fund installment under s. 126.46 that became due while the milk contractor was a contributing milk contractor. A disqualified milk contractor is not liable for any fund installment that becomes due after the milk contractor is disqualified under sub. (3).

126.46 Contributing milk contractors; fund assessments. (1) General. A contributing milk contractor shall pay an annual fund assessment for each license year. The assessment equals $20 or the sum of the following, whichever is greater, unless the department by rule specifies a different assessment:

(a) The milk contractor’s current ratio assessment. The current ratio assessment for a license year equals the milk contractor’s current ratio assessment
rate under sub. (2) multiplied by the annual milk payroll obligations reported under
s. 126.41 (6) (a) in the milk contractor’s license application for that license year.

(b) The milk contractor’s debt to equity ratio assessment. The debt to equity
ratio assessment for a license year equals the milk contractor’s debt to equity ratio
assessment rate under sub. (4) multiplied by the annual milk payroll obligations
reported under s. 126.41 (6) (a) in the milk contractor’s license application for that
license year.

(2) Current Ratio Assessment Rate. A milk contractor’s current ratio
assessment rate is calculated, at the beginning of the license year, as follows:

(a) If the milk contractor has filed an annual financial statement under s.
126.44 and that financial statement shows a current ratio of at least 1.25 to 1.0, the
milk contractor’s current ratio assessment rate equals the greater of zero or the
current ratio assessment factor in sub. (3) (a) multiplied by the following amount:

1. Subtract 3 from the current ratio.
2. Divide the amount determined under subd. 1. by 6.
3. Multiply the amount determined under subd. 2. by negative one.
4. Raise the amount determined under subd. 3. to the 3rd power.
5. Divide 0.55 by the current ratio.
6. Raise the amount determined under subd. 5. to the 7th power.
7. Add the amount determined under subd. 4. to the amount determined under
subd. 6.
8. Add 0.075 to the amount determined under subd. 7.

(b) If the milk contractor has filed an annual financial statement under s.
126.44 and that financial statement shows a current ratio of less than 1.25 to 1.0, but
greater than 1.05 to 1.0, the milk contractor’s current ratio assessment rate equals
the current ratio assessment factor in sub. (3) (b) multiplied by the following amount:

1. Subtract 3 from the current ratio.
2. Divide the amount determined under subd. 1. by 6.
3. Multiply the amount determined under subd. 2. by negative one.
4. Raise the amount determined under subd. 3. to the 3rd power.
5. Divide 0.55 by the current ratio.
6. Raise the amount determined under subd. 5. to the 7th power.
7. Add the amount determined under subd. 4. to the amount determined under
   subd. 6.
8. Add 0.075 to the amount determined under subd. 7.

(c) If the milk contractor has filed an annual financial statement under s.
126.44 and that financial statement shows a current ratio of less than or equal to 1.05
to 1.0, the milk contractor’s current ratio assessment rate equals the current ratio
assessment factor in sub. (3) (b) multiplied by 0.1201478.

(d) Except as provided in par. (e), if the milk contractor has not filed an annual
financial statement under s. 126.44, the milk contractor’s current ratio assessment
rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 0.103005.

(e) If the milk contractor has not filed an annual financial statement under s.
126.44 and the milk contractor procures producer milk in this state solely as a
producer agent, the milk contractor’s current ratio assessment rate is 0.00025,
except that, for the milk contractor’s 5th or higher consecutive full license year of
participation in the fund, the milk contractor’s current ratio assessment rate is
0.000175.
(3) **Current Ratio Assessment Factor.** (a) A milk contractor’s current ratio assessment factor under sub. (2) (a) is 0.001, except as follows:

1. For the milk contractor’s 3rd consecutive full license year as a contributing milk contractor, the milk contractor’s current ratio assessment factor is 0.0007.

2. For the milk contractor’s 4th consecutive full license year as a contributing milk contractor, the milk contractor’s current ratio assessment factor is 0.0003.

3. For the milk contractor’s 5th or higher consecutive full license year as a contributing milk contractor, the milk contractor’s current ratio assessment factor is zero.

(b) A milk contractor’s current ratio assessment factor under sub. (2) (b) to (d) is 0.0015, except that, for the milk contractor’s 5th or higher consecutive full license year of participation in the fund, the milk contractor’s current ratio assessment factor is 0.000675.

(4) **Debt to Equity Ratio Assessment Rate.** A milk contractor’s debt to equity ratio assessment rate is calculated, at the beginning of the license year, as follows:

(a) If the milk contractor has filed an annual financial statement under s. 126.44 and that financial statement shows positive equity and a debt to equity ratio of not more than 2.0 to 1.0, the milk contractor’s debt to equity ratio assessment rate equals the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a) multiplied by the following amount:

1. Subtract 2 from the debt to equity ratio.

2. Divide the amount determined under subd. 1. by 3.

3. Raise the amount determined under subd. 2. to the 9th power.

4. Divide the debt to equity ratio by 3.25.

5. Raise the amount determined under subd. 4. to the 5th power.
6. Add the amount determined under subd. 3. to the amount determined under subd. 5.

7. Add 0.025 to the amount determined under subd. 6.

(b) If the milk contractor files an annual financial statement under s. 126.44 and that financial statement shows a debt to equity ratio of greater than 2.0 to 1.0 but less than 3.1 to 1.0, the milk contractor’s debt to equity ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the following amount:

1. Subtract 2 from the debt to equity ratio.

2. Divide the amount determined under subd. 1. by 3.

3. Raise the amount determined under subd. 2. to the 9th power.

4. Divide the debt to equity ratio by 3.25.

5. Raise the amount determined under subd. 4. to the 5th power.

6. Add the amount determined under subd. 3. to the amount determined under subd. 5.

7. Add 0.025 to the amount determined under subd. 6.

(c) If the milk contractor has filed an annual financial statement under s. 126.44 and that financial statement shows negative equity or a debt to equity ratio of at least 3.1 to 1.0, the milk contractor’s debt to equity ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 0.8146917.

(d) Except as provided in par. (e), if the milk contractor has not filed an annual financial statement under s. 126.44, the milk contractor’s debt to equity ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 0.11325375.
(e) If the milk contractor has not filed an annual financial statement under s. 126.44 and the milk contractor procures producer milk in this state solely as a producer agent, the milk contractor’s debt to equity ratio assessment rate is 0.00025, except that, for the milk contractor’s 5th or higher consecutive full license year of participation in the fund, the milk contractor’s debt to equity ratio assessment rate is 0.000175.

(5) Debt to Equity Ratio Assessment Factor. (a) A milk contractor’s debt to equity ratio assessment factor under sub. (4) (a) is 0.0015, except as follows:

1. For the milk contractor’s 3rd consecutive full license year as a contributing milk contractor, the milk contractor’s current ratio assessment factor is 0.001.

2. For the milk contractor’s 4th consecutive full license year as a contributing milk contractor, the milk contractor’s current ratio assessment factor is 0.0005.

3. For the milk contractor’s 5th or higher consecutive full license year as a contributing milk contractor, the milk contractor’s current ratio assessment factor is zero.

(b) A milk contractor’s debt to equity ratio assessment factor under sub. (4) (b) to (d) is 0.00225, except that, for the milk contractor’s 5th or higher consecutive full license year as a contributing milk contractor, the milk contractor’s debt to equity ratio assessment factor is 0.001.

(6) Quarterly Installments. (a) A contributing milk contractor shall pay the milk contractor’s annual fund assessment in equal quarterly installments that are due as follows:

1. The first installment is due on June 1 of the license year.

2. The 2nd installment is due on September 1 of the license year.

3. The 3rd installment is due on December 1 of the license year.
4. The 4th installment is due on March 1 of the license year.

(b) A contributing milk contractor may prepay any of the quarterly installments under par. (a).

(c) A contributing milk contractor who applies for an annual license after the beginning of a license year shall pay the full annual fund assessment required under this section. The milk contractor shall pay, with the first quarterly installment that becomes due after the day on which the department issues the license, all of the quarterly installments for that license year that were due before that day.

(d) If s. 126.45 (1) (b) requires a licensed milk contractor to become a contributing milk contractor during the license year, the milk contractor shall pay only those quarterly installments that become due after the requirement takes effect.

(e) A contributing milk contractor who fails to pay the full amount of any quarterly installment when due shall pay, in addition to that installment, a late payment penalty of $50 or 10% of the overdue installment amount, whichever is greater.

(7) Notice of annual assessment and quarterly installments. When the department issues an annual license to a contributing milk contractor, the department shall notify the milk contractor of all of the following:

(a) The amount of the milk contractor's annual fund assessment under this section.

(b) The amount of each required quarterly installment under sub. (6) and the date by which the milk contractor must pay each installment.

(c) The penalty that applies under sub. (6) (e) if the milk contractor fails to pay any quarterly installment when due.
126.47 Milk contractors; security. (1) Security required. A milk contractor shall file security with the department, and maintain that security until the department releases it under sub. (7), if all of the following apply when the department first licenses the milk contractor under s. 126.41 (1):

(a) The milk contractor reports more than $1,500,000 in annual milk payroll obligations under s. 126.41 (6) (a).

(b) The milk contractor files an annual financial statement under s. 126.44 (1) and that financial statement shows negative equity.

(2) Security continued. A milk contractor who filed security under s. 100.06, 1999 stats., before May 1, 2002, shall maintain that security until the department releases it under sub. (7).

(3) Amount of security. A milk contractor who is required to file or maintain security under this section shall at all times maintain security equal to the following amount:

(a) Except for a milk contractor who procures producer milk in this state solely as a producer agent, at least 75% of the amount last reported under s. 126.41 (6) (b) or (9).

(b) For a milk contractor who procures milk in this state solely as a producer agent, at least the following amounts:

1. For the license year beginning on May 1, 2002, 15% of the amount last reported under s. 126.41 (6) (b) or (9).

2. For the license year beginning on May 1, 2003, 30% of the amount last reported under s. 126.41 (6) (b) or (9).

3. For the license year beginning on May 1, 2004, 45% of the amount last reported under s. 126.41 (6) (b) or (9).
4. For the license year beginning on May 1, 2005, 60% of the amount last reported under s. 126.41 (6) (b) or (9).

5. For a license year beginning after May 1, 2005, 75% of the amount last reported under s. 126.41 (6) (b) or (9).

(4) FORM OF SECURITY. The department shall review, and determine whether to approve, security filed under this section. The department may approve only the following types of security:

(a) Currency.

(b) A commercial surety bond if all of the following apply:

1. The surety bond is made payable to the department for the benefit of milk producers and producer agents.

2. The surety bond is issued by a person authorized to operate a surety business in this state.

3. The surety bond is issued as a continuous term bond that may be canceled only with the department’s written agreement or upon 90 days’ prior written notice served on the department in person or by certified mail.

4. The surety bond is issued in a form, and subject to any terms and conditions, that the department considers appropriate.

(c) A certificate of deposit or money market certificate, if all of the following apply:

1. The certificate is issued or endorsed to the department for the benefit of milk producers and producer agents.

2. The certificate may not be canceled or redeemed without the department’s written permission.
3. No person may transfer or withdraw funds represented by the certificate without the department’s written permission.

4. The certificate renews automatically without any action by the department.

5. The certificate is issued in a form, and subject to any terms and conditions, that the department considers appropriate.

(d) An irrevocable bank letter of credit if all of the following apply:

1. The letter of credit is payable to the department for the benefit of milk producers or producer agents.

2. The letter of credit is issued on bank letterhead.

3. The letter of credit is issued for an initial period of at least one year.

4. The letter of credit renews automatically unless, at least 90 days before the scheduled renewal date, the issuing bank gives the department written notice, in person or by certified mail, that the letter of credit will not be renewed.

5. The letter of credit is issued in a form, and subject to any terms and conditions, that the department considers appropriate.

(e) Security filed with the department under s. 100.06, 1999 stats., before May 1, 2002, except that on January 1, 2003, the department shall withdraw its approval of any security that is not approvable under pars. (a) to (d).

(f) A dairy plant trusteeship created before May 1, 2002, under s. 100.06, 1999 stats. This paragraph does not apply after January 1, 2003.

(5) Department custody of security. The department shall hold, in its custody, all security filed and maintained under this section. The department shall hold the security for the benefit of milk producers and producer agents.

(6) Additional security. (a) The department may, at any time, demand additional security from a milk contractor if any of the following applies:
1. The milk contractor’s existing security falls below the amount required under sub. (3) for any reason, including depreciation in the value of the security, increased obligations to milk producers or producer agents, or the cancellation of any security filed with the department.

2. The milk contractor fails to provide required information that is relevant to a determination of security requirements.

(b) The department shall issue a demand under par. (a) in writing. The department shall indicate why additional security is required, the amount of security required, and the deadline date for filing security. The department may not specify a deadline for filing security that is more than 30 days after the date on which the department issues its demand for security.

(c) A milk contractor may request a hearing, under ch. 227, on a demand for security under par. (b). A request for hearing does not automatically stay a security demand.

(d) If a milk contractor fails to comply with the department’s demand for security under this subsection, the milk contractor shall give written notice of that fact to all milk producers and producer agents from whom the contractor procures producer milk in this state. If the milk contractor fails to give accurate notice under this paragraph within 5 days after the deadline for filing security under par. (b) has passed, the department shall promptly notify milk producers and producer agents by publishing a class 3 notice under ch. 985. The department may also give individual notice to those milk producers or producer agents of whom the department is aware.

(e) If a milk contractor fails to comply with the department’s demand for security under this subsection, the department may do any of the following:
1. Issue a summary order under s. 126.85 (2).

2. Suspend or revoke the milk contractor’s license.

(7) RELEASING SECURITY. (a) The department may release security filed under sub. (1) if any of the following applies:

1. The milk contractor reports not more than $1,500,000 in milk payroll obligations under s. 126.41 (6) (a) for at least 2 consecutive years and the milk contractor pays the quarterly fund assessment that would have been required of the milk contractor if the milk contractor had been a contributing milk contractor on the most recent quarterly installment date under s. 126.46 (6).

2. The milk contractor’s annual financial statement under s. 126.44 shows positive equity for at least 2 consecutive years and the milk contractor pays the quarterly fund assessment that would have been required of the milk contractor if the milk contractor had been a contributing milk contractor on the most recent quarterly installment date under s. 126.46 (6).

(b) On August 1, 2002, the department may release security maintained under sub. (2), unless the milk contractor is required to file security under sub. (1).

(c) The department may release security to the extent that the security exceeds the amount required under sub. (3).

(d) The department may release security if the milk contractor files alternative security, of equivalent value, that the department approves.

(e) The department shall release security if the milk contractor has gone out of business and paid all milk payroll obligations in full.

126.48 Milk contractors; payments to producers. (1) FIRST MONTHLY PAYMENT. By the 4th day of each month, a milk contractor shall pay for producer milk received during the first 15 days of the preceding month. The milk contractor shall
base the payment on an estimated price that is at least 80% of the class III price
published by the regional federal milk market administrator for the month
preceding the month in which the milk is received, or 80% of the contract price,
whichever is greater.

(2) Second monthly payment. By the 19th day of each month, a milk contractor
shall pay the balance due for producer milk received during the preceding month.

(3) Payment explanation. The department may, by rule, require a milk
contractor to provide a milk producer or producer agent with a written explanation
of each payment under this section. The department may specify the content of the
explanation, including information related to any of the following:

(a) Milk contractor identification.
(b) Milk producer or producer agent identification.
(c) Pay period.
(d) Volume of milk received.
(e) Grade of milk.
(f) Milk test results.
(g) Milk price and adjustments.
(h) Gross amount due.
(i) Average gross pay per hundredweight less hauling charges.
(j) Net amount due.
(k) Deductions and assignments.

126.49 Milk contractors; records and reports. (1) Required records. A
milk contractor shall keep accurate records and accounts of milk receipts, payments
for milk received, and amounts owed to milk producers. The department may, by
rule, specify records that a milk contractor must keep.
(2) **Required reports.** The department may, by rule, require a milk contractor to file with the department periodic reports of information needed for the administration of this chapter.

(3) **Records retention; inspection.** A milk contractor shall retain records required under sub. (1) for at least 6 years after the records are created. A milk contractor shall make the records available to the department for inspection and copying upon request.

126.50  **Milk contractors; prohibited practices.** No milk contractor may do any of the following:

(1) Falsify any record or account, or conspire with any other person to falsify a record or account.

(2) Make any false or misleading representation to the department.

(3) If the milk contractor is licensed under s. 126.41 (1), engage in any activity that is inconsistent with representations made in the milk contractor’s annual license application.

(4) Make any false or misleading representation to a milk producer or producer agent related to matters regulated under this chapter.

(5) Fail to file the full amount of security required under s. 126.47 (6) by the date that the department specifies.

**SUBCHAPTER VI**

**VEGETABLE CONTRACTORS**

126.55  **Definitions.** In this subchapter:

(1) “Cash on delivery” means cash payment of the full agreed price for processing vegetables at the time of delivery or, if the vegetables are graded, within 72 hours after the time of delivery.
(2) “Cash payment” means payment in any of the following forms:
   (a) Currency.
   (b) A cashier’s check, or a check that a bank issues and certifies.
   (c) A wire transfer.
   (d) Simultaneous barter.

(3) “Contract obligation” means the net amount, whether paid or unpaid, that a vegetable contractor owes a vegetable producer or producer agent under a vegetable procurement contract. “Contract obligation” includes a net amount owed for unharvested acreage.

(4) “Contributing vegetable contractor” means a vegetable contractor who is licensed under s. 126.56 (1), who either has paid one or more quarterly installments under s. 126.60 (6) or is required to contribute to the fund, but the first quarterly installment under s. 126.60 (6) is not yet due, and who is not disqualified under s. 126.59 (2).

(6) “Current ratio” means the ratio of the value of current assets to the value of current liabilities, calculated according to s. 126.58 (6) (c) 1.

(7) “Debt to equity ratio” means the ratio of the value of liabilities to equity, calculated according to s. 126.58 (6) (c) 2.

(8) “Deferred payment contract” means a vegetable procurement contract in which the vegetable producer or a producer agent agrees to accept payment after January 31 for processing vegetables harvested during the previous calendar year.

(9) “Disqualified vegetable contractor” means a vegetable contractor who is disqualified from the fund under s. 126.59 (2).

(10) “Food processing” has the meaning given in s. 97.29 (1) (g).
(10m) “License year” means the period beginning on February 1 and ending on the following January 31.

(11) “Processing vegetables” means vegetables grown or sold for use in food processing, regardless of whether those vegetables are actually harvested or processed as food. “Processing vegetables” includes sweet corn grown or sold for use in food processing, but does not include grain.

(12) “Producer agent” means a person who, without taking title to vegetables, acts on behalf of a vegetable producer to market or accept payment for processing vegetables that the vegetable producer grows in this state. “Producer agent” does not include any of the following:

(a) A person who merely brokers a contract between a vegetable producer and a vegetable contractor, without becoming a party to the contract or accepting payment on behalf of the vegetable producer.

(b) A person who merely holds or transports processing vegetables for a vegetable producer, without marketing the vegetables or accepting payment on behalf of the vegetable producer.

(13) “Time of delivery” under a vegetable procurement contract means the time at which one of the following occurs:

(a) The vegetable contractor harvests the vegetables.

(b) The vegetable producer delivers harvested vegetables to the custody or control of the vegetable contractor.

(c) The vegetable contractor notifies the vegetable producer of the vegetable contractor’s refusal to harvest or accept delivery of vegetables.

(14) “Vegetable contractor” means a person who does any of the following:
(a) Contracts with a vegetable producer or a producer agent to procure processing vegetables that a vegetable producer grows in this state.

(b) Contracts with a vegetable producer to market, as a producer agent, processing vegetables that the vegetable producer grows in this state.

(15) “Vegetable procurement contract” means an oral or written agreement under which a vegetable contractor does any of the following:

(a) Contracts with a vegetable producer or a producer agent to procure processing vegetables that a vegetable producer grows in this state.

(b) Contracts with a vegetable producer to market, as a producer agent, processing vegetables that the vegetable producer grows in this state.

(16) “Vegetable producer” means a person who grows processing vegetables in this state.

(17) “Unharvested acreage” means land on which vegetables are grown, under a vegetable procurement contract, that a vegetable contractor leaves unharvested for any reason. “Unharvested acreage” includes all of the following:

(a) Land on which the vegetables are suitable for processing, but are not harvested.

(b) Land on which the vegetables are abandoned as being unsuitable for processing.

126.56 Vegetable contractors; licensing. (1) License required. (a) Except as provided in sub. (2), no person may operate as a vegetable contractor without a current annual license from the department.

(b) A license under par. (a) expires on the January 31 following its issuance.

No person may transfer or assign a license issued under par. (a).
(2) EXEMPT CONTRACTORS. The following vegetable contractors are exempt from licensing under sub. (1):

(a) A vegetable contractor who procures vegetables primarily for unprocessed, fresh market use and is licensed under the federal Perishable Agricultural Commodities Act, 7 USC 499a to 499t.

(b) A restaurant or retail food establishment that procures processing vegetables solely for retail sale at the restaurant or retail food establishment.

(3) LICENSE APPLICATION. A vegetable contractor shall apply for a license under sub. (1) in writing, on a form provided by the department. The applicant shall provide all of the following:

(a) The applicant’s legal name and any trade name under which the applicant proposes to operate as a vegetable contractor.

(b) A statement of whether the applicant is an individual, corporation, partnership, cooperative, limited liability company, trust, or other legal entity. If the applicant is a corporation or cooperative, the application shall identify each officer of the corporation or cooperative. If the applicant is a partnership, the application shall identify each partner.

(c) The mailing address of the applicant’s principal business location and the name of a responsible individual who may be contacted at that address.

(d) The street address of each business location from which the applicant operates as a vegetable contractor in this state and the name of a responsible individual who may be contacted at each location that is staffed.

(e) All license fees and surcharges required under sub. (4).

(f) The sworn and notarized statement required under sub. (9).

(g) A financial statement if required under s. 126.58 (1) and not yet filed.
(h) Other relevant information required by the department.

(4) LICENSE FEES AND SURCHARGES. A vegetable contractor applying for a license under sub. (1) shall pay the following fees and surcharges, unless the department specifies a different fee or surcharge amount by rule:

(a) A nonrefundable license processing fee of $25.

(b) A fee of $25 plus 5.75 cents for each $100 in contract obligations reported under sub. (9) (a), less any credit provided under sub. (6).

(c) A license surcharge of $500 if the department determines that, within 365 days before submitting the license application, the applicant operated as a vegetable contractor without a license in violation of sub. (1). The applicant shall also pay any license fees, license surcharges, and fund assessments that are still due for the license year in which the applicant violated sub. (1).

(d) A license surcharge of $100 if during the preceding 12 months the applicant failed to file an annual financial statement required under s. 126.58 (1) (b) by the applicable deadline.

(e) A license surcharge of $100 if a renewal applicant fails to renew a license by the license expiration date of January 31.

(4m) EFFECT OF PAYMENT OF SURCHARGE. Payment under sub. (3) (c) does not relieve the applicant of any other civil or criminal liability that results from the violation of sub. (1), but does not constitute evidence of any law violation.

(5) LICENSE FOR PART OF YEAR; FEES. A person who applies for an annual vegetable contractor license after the beginning of a license year shall pay the full annual fee amounts required under sub. (4).

(6) FEE CREDITS. (a) If the balance in the fund contributed by vegetable contractors exceeds $1,000,000 on November 30 of any license year, the department
shall credit 50% of the excess amount against fees charged under sub. (4) (b) to contributing vegetable contractors who file timely license renewal applications for the next license year. The department shall credit each contributing vegetable contractor on a prorated basis, in proportion to the total fees that the vegetable contractor has paid under sub. (4) (b) for the 4 preceding license years.

(b) The fee under sub. (4) (b) is reduced by one cent for each $100 in contract obligations reported under sub. (9) (a) if the department, under a contract with the applicant, grades all of the graded vegetables that the applicant procures from vegetable producers or producer agents.

(7) Fee statement. The department shall provide, with each license application form, a written statement of all license fees and surcharges required under sub. (4). The department shall specify any fee credits for which the applicant may qualify under sub. (6).

(8) No license without full payment. The department may not issue a license under sub. (1) until the applicant pays all license fees and surcharges identified in the department’s statement under sub. (7). The department shall refund a fee or surcharge paid under protest if upon review the department determines that the fee or surcharge is not applicable.

(9) Sworn and notarized statement. As part of a license application under sub. (3), an applicant shall provide a sworn and notarized statement, signed by the applicant or an officer of the applicant, that reports all of the following:

(a) The total amount of contract obligations that the applicant incurred during the applicant’s last completed fiscal year. If the applicant has not yet operated as a vegetable contractor, the applicant shall estimate the amount of contract obligations that the applicant will incur during the applicant’s first complete fiscal year.
(b) The largest amount of unpaid contract obligations that the vegetable contractor had at any time during the vegetable contractor’s last completed fiscal year.

(c) The amount of unpaid contract obligations that the vegetable contractor has at the time of application.

(d) The amount of unpaid contract obligations under par. (c) that are due for payment before the license year for which the applicant is applying.

(e) The amount of unpaid obligations under par. (c) that the contractor has under deferred payment contracts.

(f) Whether the applicant and the applicant’s affiliates and subsidiaries will collectively grow more than 10% of the total acreage of any vegetable species grown or procured by the applicant during the license year for which the applicant is applying.

(g) Whether the applicant will pay cash on delivery under all vegetable procurement contracts during the license year for which the applicant is applying.

(h) Whether the applicant is a producer-owned cooperative or organization that procures vegetables solely from its producer owners on the basis of a cooperative marketing method under which the producer-owned cooperative or organization pays its producer owners a prorated share of sales proceeds for the marketing year after a final accounting and the deduction of marketing expenses.

**ACTION GRANTING OR DENYING APPLICATION.** (a) The department shall grant or deny a license application under sub. (3) within 30 days after the department receives a complete application. If the department denies a license application, the department shall give the applicant a written notice stating the reasons for the denial.
(b) A license becomes invalid after February 5 of the license year for which it is issued unless the license holder has by February 5 paid all producer obligations that were due and payable during the preceding license year.

(11) LICENSE DISPLAYED. A vegetable contractor licensed under sub. (1) shall prominently display a copy of that license at each business location from which the vegetable contractor operates in this state.

(12) NOTICE REQUIRED. (a) A vegetable contractor who files security under s. 126.61 shall immediately notify the department if, at any time, the vegetable contractor’s unpaid contract obligations exceed the amount last reported under sub. (9) (b).

(b) A vegetable contractor shall immediately notify the department if the amount of unpaid obligations under deferred payment contracts exceeds the amount last reported under sub. (9) (e).

126.57 Vegetable contractors; insurance. (1) FIRE AND EXTENDED COVERAGE INSURANCE. (a) Except as provided in par. (b), a vegetable contractor who is required to be licensed under s. 126.56 (1) shall maintain fire and extended coverage insurance, issued by an insurance company authorized to do business in this state, that covers all vegetables in the custody of the vegetable contractor, whether owned by the vegetable contractor or held for others, at the full local market value of the vegetables.

(b) Paragraph (a) does not apply to a vegetable contractor if any of the following applies:

1. The vegetable contractor pays cash on delivery under all vegetable procurement contracts.
2. The vegetable contractor is a producer–owned cooperative or organization that procures processing vegetables only from its producer owners.

(2) **Insurance Cancellation; Replacement.** Whenever an insurance policy under sub. (1) is canceled, the vegetable contractor shall replace the policy so that there is no lapse in coverage.

(3) **Insurance Coverage; Misrepresentation.** No vegetable contractor may misrepresent any of the following to the department or to any vegetable producer or producer agent:

(a) That the vegetable contractor is insured.

(b) The nature, coverage, or material terms of the vegetable contractor’s insurance policy.

**126.58 Vegetable contractors; financial statements.** (1) **Required Annual Financial Statement.** (a) Except as provided in par. (c), a vegetable contractor shall file an annual financial statement with the department, before the department first licenses the vegetable contractor under s. 126.56 (1), if the vegetable contractor reports more than $500,000 in contract obligations under s. 126.56 (9) (a).

(b) Except as provided in par. (c), a vegetable contractor licensed under s. 126.56 (1) shall file an annual financial statement with the department during each license year if the vegetable contractor’s license application for that year reports more than $500,000 in contract obligations under s. 126.56 (9) (a). The vegetable contractor shall file the annual financial statement by the 15th day of the 4th month following the close of the vegetable contractor’s fiscal year, except that the department may extend the filing deadline for up to 30 days if the vegetable
contractor, or the accountant reviewing or auditing the financial statement, files a written extension request at least 10 days before the filing deadline.

(c) A vegetable contractor is not required to file a financial statement under par. (a) or (b) if any of the following applies:

1. The vegetable contractor pays cash on delivery under all vegetable procurement contracts.

2. The vegetable contractor is a producer–owned cooperative that procures processing vegetables only from its producer owners.

(2) Voluntary financial statement. A contributing vegetable contractor who is not required to file a financial statement under sub. (1) may file an annual financial statement with the department for any of the following reasons:

(a) To qualify for a lower fund assessment under s. 126.60.

(b) To avoid filing security under s. 126.61 (1) (b).

(3) Reviewed or audited financial statement. (a) A vegetable contractor filing an annual financial statement under sub. (1) or (2) shall file an audited financial statement if the vegetable contractor’s latest annual license application reported more than $4,000,000 in annual contract obligations under s. 126.56 (9) (a).

(b) If par. (a) does not apply, a vegetable contractor filing an annual financial statement under sub. (1) or (2) shall file either a reviewed financial statement or an audited financial statement.

(4) Accounting period. A vegetable contractor filing an annual financial statement under sub. (1) or (2) shall file a financial statement that covers the vegetable contractor’s last completed fiscal year unless the vegetable contractor has been in business for less than one year.
(4m) INTERIM FINANCIAL STATEMENT. The department may, at any time, require a vegetable contractor licensed under s. 126.56 (1) to file an interim financial statement with the department. The vegetable contractor shall provide, with the interim financial statement, the vegetable contractor’s sworn and notarized statement that the financial statement is correct. An interim financial statement need not be a reviewed or audited financial statement.

(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. (a) Except as provided in par. (b), a vegetable contractor filing a financial statement under this section shall file a financial statement that is prepared according to generally accepted accounting principles.

(b) If a vegetable contractor is a sole proprietor and the vegetable contractor’s financial statement is not audited, the vegetable contractor shall file a financial statement that is prepared on a historical cost basis.

(6) FINANCIAL STATEMENT CONTENTS. (a) Except as provided in par. (b), a vegetable contractor filing a financial statement under this section shall file a financial statement that consists of a balance sheet, income statement, equity statement, statement of cash flows, notes to those statements, and any other information required by the department. If the vegetable contractor is a sole proprietor, the vegetable contractor shall file his or her business and personal financial statements.

(b) If a vegetable contractor has been in business for less than one year, the vegetable contractor may file an annual financial statement under sub. (1) or (2) consisting of a balance sheet and notes.
(c) A vegetable contractor filing a financial statement under this section shall include in the financial statement, or in an attachment to the financial statement, calculations of all of the following:

1. The vegetable contractor’s current ratio, excluding any assets required to be excluded under sub. (7).

2. The vegetable contractor’s debt to equity ratio, excluding any assets required to be excluded under sub. (7).

(7) ASSETS EXCLUDED. A vegetable contractor may not include any of the following assets in the calculations under sub. (6) (c), unless the department specifically approves their inclusion:

(a) A nontrade note or account receivable from an officer, director, employee, partner, or stockholder, or from a member of the family of any of those individuals, unless the note or account receivable is secured by a first priority security interest in real or personal property.

(b) A note or account receivable from a parent organization, a subsidiary, or an affiliate other than an employee.

(c) A note or account that has been receivable for more than one year, unless the vegetable contractor has established an equal offsetting reserve for uncollectible notes and accounts receivable.

(9) ENTITY COVERED. A person filing a financial statement under this section may not file, in lieu of that person’s financial statement, the financial statement of the person’s parent organization, subsidiary, predecessor, or successor.

(10) DEPARTMENT REVIEW. The department may analyze a financial statement filed under this section and may reject a financial statement that fails to comply with this section.
126.59 Contributing vegetable contractors; disqualification. (1)

CONTRIBUTION REQUIRED. A vegetable contractor licensed under s. 126.56 (1) shall pay fund assessments under s. 126.60 unless one of the following applies:

(a) The vegetable contractor is disqualified under sub. (2).

(b) The vegetable contractor pays cash on delivery under all vegetable procurement contracts.

(c) The vegetable contractor is a producer-owned cooperative that procures processing vegetables only from its producer owners.

(1m) VOLUNTARY CONTRIBUTION. A vegetable contractor who is exempt under sub. (1) (b) or (c) may volunteer to pay fund assessments under s. 126.60.

(2) DISQUALIFIED CONTRACTOR. (a) A vegetable contractor who is required to file security under s. 126.61 (1) (a) is disqualified from the fund until the department determines that one of the conditions in s. 126.61 (7) (a) 1. or 2. is satisfied.

(b) A vegetable contractor is disqualified from the fund if the department denies, suspends, or revokes the vegetable contractor’s license.

(c) A vegetable contractor is disqualified from the fund, and required to pay cash on delivery under vegetable procurement contracts, if the department issues a written notice disqualifying the vegetable contractor for cause. Cause may include any of the following:

1. Failure to pay fund assessments under s. 126.60 when due.

2. Failure to file a financial statement under s. 126.58 when due.

3. Failure to reimburse the department, within 60 days after the department issues a reimbursement demand under s. 126.73 (1), for the full amount that the department pays to claimants under s. 126.72 (1) because of that vegetable contractor’s default.
4. Failure to reimburse a bond surety, within 60 days after the bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of claimants affected by that vegetable contractor’s default.

(3) Payments by disqualified vegetable contractor. (a) The department may not return, to a disqualified vegetable contractor, any fund assessments that the vegetable contractor paid as a contributing vegetable contractor.

(b) A disqualified vegetable contractor remains liable for any unpaid fund installment under s. 126.60 that became due while the vegetable contractor was a contributing vegetable contractor. A disqualified vegetable contractor is not liable for any fund installment that becomes due after the vegetable contractor is disqualified under sub. (2).

126.60 Contributing vegetable contractors; fund assessments. (1) General. A contributing vegetable contractor shall pay an annual fund assessment for each license year. The assessment equals $20 or the sum of the following, whichever is greater, unless the department by rule specifies a different assessment:

(a) The vegetable contractor’s current ratio assessment. The current ratio assessment for a license year equals the vegetable contractor’s current ratio assessment rate under sub. (2) multiplied by the amount reported under s. 126.56 (9) (a) in the vegetable contractor’s license application for that license year.

(b) The vegetable contractor’s debt to equity ratio assessment. The debt to equity ratio assessment for a license year equals the vegetable contractor’s debt to equity ratio assessment rate under sub. (4) multiplied by the amount reported under s. 126.56 (9) (a) in the vegetable contractor’s license application for that license year.
(c) The vegetable contractor’s deferred contract assessment. The deferred contract assessment for a license year equals the amount, if any, reported under s. 126.56 (9) (e) in the vegetable contractor’s license application for that license year, multiplied by a deferred vegetable contract assessment rate of 0.0025.

(2) Current ratio assessment rate. A vegetable contractor’s current ratio assessment rate is calculated, at the beginning of the license year, as follows:

(a) If the vegetable contractor has filed an annual financial statement under s. 126.58 and that financial statement shows a current ratio of at least 1.25 to 1.0, the vegetable contractor’s current ratio assessment rate equals the greater of zero or the current ratio assessment factor in sub. (3) (a) multiplied by the following amount:

1. Subtract 4 from the current ratio.
2. Divide the amount determined under subd. 1. by 2.
3. Multiply the amount determined under subd. 2. by negative one.
4. Raise the amount determined under subd. 3. to the 3rd power.
5. Subtract 0.65 from the current ratio.
6. Divide 0.60 by the amount determined under subd. 5.
7. Raise the amount determined under subd. 6. to the 5th power.
8. Add the amount determined under subd. 4. to the amount determined under subd. 7.
9. Add 0.25 to the amount determined under subd. 8.

(b) If the vegetable contractor has filed an annual financial statement under s. 126.58 and that financial statement shows a current ratio of less than 1.25 to 1.0, but greater than 1.1 to 1.0, the vegetable contractor’s current ratio assessment rate
equals the current ratio assessment factor in sub. (3) (b) multiplied by the following amount:

1. Subtract 4 from the current ratio.
2. Divide the amount determined under subd. 1. by 2.
3. Multiply the amount determined under subd. 2. by negative one.
4. Raise the amount determined under subd. 3. to the 3rd power.
5. Subtract 0.65 from the current ratio.
6. Divide 0.60 by the amount determined under subd. 5.
7. Raise the amount determined under subd. 6. to the 5th power.
8. Add the amount determined under subd. 4. to the amount determined under subd. 7.
9. Add 0.25 to the amount determined under subd. 8.

(c) If the vegetable contractor has filed an annual financial statement under s. 126.58 and that financial statement shows a current ratio of less than or equal to 1.1 to 1.0, the vegetable contractor’s current ratio assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 7.512617.

(d) If the vegetable contractor has not filed an annual financial statement under s. 126.58, the vegetable contractor’s current ratio assessment rate equals the current ratio assessment factor in sub. (3) (b) multiplied by 3.84961.

(3) CURRENT RATIO ASSESSMENT FACTOR. (a) A vegetable contractor’s current ratio assessment factor under sub. (2) (a) is 0.00048, except as follows:

1. For the vegetable contractor’s 4th and 5th consecutive full license years as a contributing vegetable contractor, the vegetable contractor’s current ratio assessment factor is 0.00029.
2. For the vegetable contractor’s 6th or higher consecutive full license year as a contributing vegetable contractor, the vegetable contractor’s current ratio assessment factor is zero.

(b) A vegetable contractor’s current ratio assessment factor under sub. (2) (b) to (d) is 0.00072, except as follows:

1. For the vegetable contractor’s 4th and 5th consecutive full license years as a contributing vegetable contractor, the vegetable contractor’s current ratio assessment factor is 0.00058.

2. For the vegetable contractor’s 6th or higher consecutive full license year as a contributing vegetable contractor, the vegetable contractor’s current ratio assessment factor is 0.00035.

(4) Debt to equity ratio assessment rate. A vegetable contractor’s debt to equity ratio assessment rate for a license year is calculated, at the beginning of the license year, as follows:

(a) If the vegetable contractor has filed an annual financial statement under s. 126.58 and that financial statement shows positive equity and a debt to equity ratio of not more than 4.0 to 1.0, the vegetable contractor’s debt to equity ratio assessment rate equals the greater of zero or the debt to equity ratio assessment factor in sub. (5) (a) multiplied by the following amount:

1. Subtract 4 from the debt to equity ratio.
2. Divide the amount determined under subd. 1. by 4.
3. Raise the amount determined under subd. 2. to the 3rd power.
4. Subtract 1.85 from the debt to equity ratio.
5. Divide the amount determined under subd. 4. by 2.5.
6. Raise the amount determined under subd. 5. to the 7th power.
7. Add the amount determined under subd. 3. to the amount determined under subd. 6.

8. Add one to the amount determined under subd. 7.

(b) If the vegetable contractor has filed an annual financial statement under s. 126.58 and that financial statement shows a debt to equity ratio of greater than 4.0 to 1.0 but less than 6.0 to 1.0, the vegetable contractor’s debt to equity ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by the following amount:

1. Subtract 4 from the debt to equity ratio.

2. Divide the amount determined under subd. 1. by 4.

3. Raise the amount determined under subd. 2. to the 3rd power.

4. Subtract 1.85 from the debt to equity ratio.

5. Divide the amount determined under subd. 4. by 2.5.

6. Raise the amount determined under subd. 5. to the 7th power.

7. Add the amount determined under subd. 3. to the amount determined under subd. 6.

8. Add one to the amount determined under subd. 7.

(c) If the vegetable contractor has filed an annual financial statement under s. 126.58 and that financial statement shows negative equity or a debt to equity ratio of at least 6.0 to 1.0, the vegetable contractor’s debt to equity ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 35.859145.

(d) If the vegetable contractor has not filed an annual financial statement under s. 126.58, the vegetable contractor’s debt to equity ratio assessment rate equals the debt to equity ratio assessment factor in sub. (5) (b) multiplied by 1.34793.
(5) Debt to equity ratio assessment factor. (a) A vegetable contractor's debt to equity ratio assessment factor under sub. (4) (a) is 0.000135, except as follows:

1. For the vegetable contractor's 4th and 5th consecutive full license years as a contributing vegetable contractor, the vegetable contractor's debt to equity ratio assessment factor is 0.00008.

2. For the vegetable contractor's 6th or higher consecutive full license year as a contributing vegetable contractor, the vegetable contractor's debt to equity ratio assessment factor is zero.

(b) A vegetable contractor's debt to equity ratio assessment factor under sub. (4) (b) to (d) is 0.000203, except as follows:

1. For the vegetable contractor's 4th and 5th consecutive full license years as a contributing vegetable contractor, the vegetable contractor's debt to equity ratio assessment factor is 0.00016.

2. For the vegetable contractor's 6th or higher consecutive full license year as a contributing vegetable contractor, the vegetable contractor's debt to equity ratio assessment factor is 0.0001.

(6) Quarterly installments. (a) A contributing vegetable contractor shall pay the vegetable contractor's annual fund assessment in equal quarterly installments that are due as follows:

1. The first installment is due on March 1 of the license year.

2. The 2nd installment is due on June 1 of the license year.

3. The 3rd installment is due on September 1 of the license year.

4. The 4th installment is due on December 1 of the license year.

(b) A contributing vegetable contractor may prepay any of the quarterly installments under par. (a).
(c) A contributing vegetable contractor who applies for an annual license after
the beginning of a license year shall pay the full annual fund assessment required
under this section. The vegetable contractor shall pay, with the first quarterly
installment that becomes due after the day on which the department issues the
license, all of that year’s quarterly installments that were due before that day.

(d) A contributing vegetable contractor who fails to pay the full amount of any
quarterly installment when due shall pay, in addition to that installment, a late
payment penalty of $50 or 10% of the overdue installment amount, whichever is
greater.

(7) Notice of annual assessment and quarterly installments. When the
department issues an annual license to a contributing vegetable contractor, the
department shall notify the vegetable contractor of all of the following:

(a) The amount of the vegetable contractor’s annual fund assessment under
this section.

(b) The amount of each required quarterly installment under sub. (6) and the
date by which the vegetable contractor must pay each installment.

(c) The penalty that applies under sub. (6)(d) if the vegetable contractor fails
to pay any quarterly installment when due.

126.61 Vegetable contractors; security. (1) Security required. (a) Except
as provided in par. (c), a vegetable contractor shall file security with the department,
and maintain that security until the department releases it under sub. (7), if all of
the following apply when the department first licenses the vegetable contractor
under s. 126.56 (1):

1. The vegetable contractor reports more than $1,000,000 in annual contract
obligations under s. 126.56 (9) (a).
2. The vegetable contractor files a financial statement under s. 126.58 (1) and that financial statement shows negative equity.

   (b) Except as provided in par. (c), a vegetable contractor shall file security with the department to cover the full amount of the unpaid deferred contract obligations last reported under s. 126.56 (9) (e) or (12) (b), and maintain that security until it is released under sub. (7), unless the vegetable contractor files an annual financial statement under s. 126.58 and that financial statement shows positive equity, a current ratio of at least 1.25 to 1.0, and a debt to equity ratio of not more than 4.0 to 1.0.

   (c) A vegetable contractor is not required to file security under par. (a) or (b) if any of the following applies:

      1. The vegetable contractor pays cash on delivery under all vegetable procurement contracts.

      2. The vegetable contractor is a producer-owned cooperative that procures processing vegetables only from its producer members.

(2) SECURITY CONTINUED. A vegetable contractor who filed security under s. 100.03, 1999 stats., before February 1, 2002, shall maintain that security until the department releases it under sub. (7).

(3) AMOUNT OF SECURITY. A vegetable contractor who is required to file or maintain security under this section shall, at all times, maintain security that is at least equal to the sum of the following:

   (a) Seventy-five percent of the amount last reported under s. 126.56 (9) (b) or (12) (a), except that this amount is not required of a contributing vegetable contractor after May 1, 2002.

   (b) The amount required under sub. (1) (b), if any.
1 (4) FORM OF SECURITY. The department shall review, and determine whether
to approve, security filed under this section. The department may approve only the
following types of security:

(a) Currency.

(b) A commercial surety bond if all of the following apply:
1. The surety bond is made payable to the department for the benefit of
vegetable producers and producer agents.
2. The surety bond is issued by a person authorized to operate a surety business
in this state.
3. The surety bond is issued as a continuous term bond that may be canceled
only with the department’s written agreement, or upon 90 days’ prior written notice
served on the department in person or by certified mail.
4. The surety bond is issued in a form, and subject to any terms and conditions,
that the department considers appropriate.

(c) A certificate of deposit or money market certificate, if all of the following
apply:
1. The certificate is issued or endorsed to the department for the benefit of
vegetable producers and producer agents.
2. The certificate may not be canceled or redeemed without the department’s
written permission.
3. No person may transfer or withdraw funds represented by the certificate
without the department’s written permission.
4. The certificate renews automatically without any action by the department.
5. The certificate is issued in a form, and subject to any terms and conditions,
that the department considers appropriate.
(d) An irrevocable bank letter of credit if all of the following apply:
1. The letter of credit is payable to the department for the benefit of vegetable
   producers and producer agents.
2. The letter of credit is issued on bank letterhead.
3. The letter of credit is issued for an initial period of at least one year.
4. The letter of credit renews automatically unless, at least 90 days before the
   scheduled renewal date, the issuing bank gives the department written notice, in
   person or by certified mail, that the letter of credit will not be renewed.
5. The letter of credit is issued in a form, and subject to any terms and
   conditions, that the department considers appropriate.

(e) Security filed with the department under s. 100.03, 1999 stats., before
February 1, 2002, except that on January 1, 2003, the department shall withdraw
its approval of any security that is not approvable under pars. (a) to (d).

(5) Department custody of security. The department shall hold, in its custody,
all security filed and maintained under this section. The department shall hold the
security for the benefit of vegetable producers and producer agents.

(6) Additional security. (a) The department may, at any time, demand
additional security from a vegetable contractor if any of the following applies:
1. The vegetable contractor’s existing security falls below the amount required
   under sub. (3) for any reason, including a depreciation in the value of the security
   filed with the department, increased obligations to vegetable producers or producer
   agents, or the cancellation of any security filed with the department.
2. The vegetable contractor fails to provide required information that is
   relevant to a determination of security requirements.
(b) The department shall issue a demand under par. (a) in writing. The department shall indicate why additional security is required, the amount of security required, and the deadline date for filing security. The department may not specify a deadline for filing security that is more than 30 days after the date on which the department issues its demand for security.

(c) A vegetable contractor may request a hearing, under ch. 227, on a security demand under par. (b). A request for hearing does not automatically stay a security demand.

(d) If a vegetable contractor fails to comply with the department’s security demand under this subsection, the vegetable contractor shall give written notice of that fact to all vegetable producers and producer agents from whom the vegetable contractor procures processing vegetables. If the vegetable contractor fails to give accurate notice under this paragraph within 5 days after the security filing deadline under par. (b) has passed, the department shall promptly notify vegetable producers and producer agents by publishing a class 3 notice under ch. 985. The department may also give individual notice to vegetable producers or producer agents of whom the department is aware.

(e) If a vegetable contractor fails to comply with the department’s demand for security under this subsection, the department may do any of the following:

1. Issue a summary order under s. 126.85 (2) that prohibits the vegetable contractor from procuring processing vegetables from vegetable producers or producer agents, or requires the vegetable contractor to pay cash on delivery under all vegetable procurement contracts.

2. Suspend or revoke the vegetable contractor’s license.
(7) Releasing Security. (a) The department may release security filed under sub. (1) (a), except for any amount of security that the vegetable contractor is required to file because sub. (1) (b) applies to the vegetable contractor, if any of the following applies:

1. The vegetable contractor reports less than $1,000,000 in annual contract obligations under s. 126.56 (9) (a) for at least 2 consecutive years and the vegetable contractor pays the quarterly fund assessment that would have been required of the vegetable contractor if the vegetable contractor had been a contributing vegetable contractor on the most recent quarterly installment date under s. 126.60 (6).

2. The vegetable contractor’s annual financial statement under s. 126.58 shows positive equity for at least 2 consecutive years and the vegetable contractor pays the quarterly fund assessment that would have been required of the vegetable contractor if the vegetable contractor had been a contributing vegetable contractor on the most recent quarterly installment date under s. 126.60 (6).

(b) The department may release security filed under sub. (1) (b), except for any amount of security that the vegetable contractor is required to file because sub. (1) (a) applies to the vegetable contractor, if any of the following applies:

1. The vegetable contractor has no unpaid obligations under deferred payment contracts, and will not use deferred payment contracts in the current license year.

2. The vegetable contractor files 2 consecutive annual financial statements under s. 126.58 that show a current ratio of at least 1.25 to 1.0, positive equity, and a debt to equity ratio of not more than 4.0 to 1.0.

(c) On May 1, 2002, the department may release security maintained under sub. (2), unless the vegetable contractor is required to file security under sub. (1).
(d) The department may release security to the extent that the security exceeds the amount required under sub. (3).

(e) The department may release security if the vegetable contractor files alternative security, of equivalent value, that the department approves.

(f) The department shall release security if the vegetable contractor has gone out of business and paid all contract obligations in full.

126.62 Vegetable contractors; records. (1) Records required. A vegetable contractor shall keep all of the following:

(a) Copies of all written vegetable procurement contracts.

(b) A current record of all vegetable contract obligations, payments, and unpaid balances.

(2) Records retention. A vegetable contractor shall keep all of the following records for at least 6 years from the date of their creation:

1. Records required under sub. (1).

2. Records that the vegetable contractor was required to keep, under s. 100.03, 1999 stats., and department rules, before February 1, 2002.

(3) Records inspection. A vegetable contractor shall make records required under this section available to the department for inspection and copying upon request.

126.63 Vegetable contractors; business practices. (1) Vegetable grading and tare. (a) A vegetable contractor shall grade vegetables according to the following standards if the vegetable grade may affect the amount received by the vegetable producer:

1. Standard grading procedures that the department establishes by rule.
2. Uniform grade standards that the department establishes by rule, unless the vegetable procurement contract clearly specifies alternative grade standards.

   (b) If a vegetable contractor makes any deduction for tare, the vegetable contractor shall determine tare according to procedures that the department establishes by rule.

   (c) The department shall establish grade standards for vegetables that conform to grade standards adopted by the federal department of agriculture under 7 USC 1621 to 1632.

   2) Prohibited Deductions. No vegetable purchaser may deduct, from the amount payable under a vegetable procurement contract, an amount designated for the payment of any vegetable contractor license fee, surcharge, or fund assessment under this subchapter.

   3) Timely Payment. A vegetable contractor shall pay a vegetable producer or producer agent according to the vegetable procurement contract. The vegetable contractor shall make the following payments by the following dates, unless the contract specifies a different payment date in writing:

      (a) The 15th day of the month immediately following the month in which the vegetable contractor harvests or accepts delivery of processing vegetables, the full amount owed under the contract for those vegetables.

      (b) The 15th day of the month immediately following the month in which the vegetable contractor rejects or fails to harvest processing vegetables tendered under the vegetable procurement contract, the full amount owed under the contract for those vegetables.
(4) Annual payment deadline. (a) Except as provided in par. (b) or (c), a vegetable contractor shall pay all outstanding obligations to vegetable producers by January 31 of each license year.

(b) For processing vegetables tendered or delivered in January of any license year, a vegetable contractor shall pay the full amount owed under the vegetable procurement contract by February 15 or by the 30th day after the date of delivery, whichever date is later.

(c) A vegetable contractor may pay outstanding producer obligations in accordance with a deferred payment contract that complies with sub. (5) and specifies a payment date after January 31 for processing vegetables delivered on or before December 31.

(5) Deferred payment contract. (a) Before a vegetable contractor offers a deferred payment contract to any vegetable producer, the vegetable contractor shall put the deferred payment contract to a vote of vegetable producers, as provided in par. (b), obtain the approval of a majority of the voting vegetable producers, and comply with par. (c).

(b) To put a deferred payment contract to a vote of vegetable producers, the vegetable contractor shall give written notice to all vegetable producers in this state from whom the vegetable contractor procured the same type of processing vegetables during the preceding license year. In the notice, the vegetable contractor shall include a copy of the proposed contract, shall announce a meeting at which the vegetable producers will be asked to vote on the proposed contract, and shall include a mail ballot by which a vegetable producer may vote without attending the meeting. The vegetable contractor shall conduct the voting by secret ballot.
(c) To comply with this paragraph, a vegetable contractor shall file all of the following with the department:

1. A sworn statement certifying that the contract was approved in a vote of vegetable producers under this subsection.

2. Any additional security required under s. 126.61 (3).

(6) Cash on delivery. A vegetable contractor shall pay cash on delivery under all vegetable procurement contracts if any of the following applies:

(a) The vegetable contractor stated, in the vegetable contractor’s last annual statement under s. 126.56 (9) (g), that the vegetable contractor would pay cash on delivery.

(b) The department disqualifies the vegetable contractor, under s. 126.59 (2) (e), or requires the vegetable contractor to pay cash on delivery under s. 126.61 (6) (e).

126.64 Vegetable contractors; prohibited practices. No vegetable contractor may do any of the following:

(1) Misrepresent the weight, grade, or quality of processing vegetables under a vegetable procurement contract.

(2) Falsify any record or account, or conspire with any other person to falsify a record or account.

(3) Make any false or misleading representation to the department.

(4) If the vegetable contractor is licensed under s. 126.56, engage in any activity that is inconsistent with representations made in the vegetable contractor’s annual license application.

(5) Make any false or misleading representation to a vegetable producer or producer agent related to matters regulated under this chapter.
(6) Fail to file the full amount of security required under s. 126.61 (6) by the date that the department specifies.

SUBCHAPTER VII

RECOVERY PROCEEDINGS

126.68 Definitions. In this subchapter:

(1) “Contributing contractor” means any of the following:
(a) A contributing grain dealer, as defined in s. 126.10 (3).
(b) A contributing grain warehouse keeper, as defined in s. 126.25 (2).
(c) A contributing milk contractor, as defined in s. 126.40 (1).
(d) A contributing vegetable contractor, as defined in s. 126.55 (4).

(2) “Depositor” has the meaning given in s. 126.25 (5).

(3) “Grain dealer” has the meaning given in s. 126.10 (9).

(4) “Grain producer” has the meaning given in s. 126.10 (10).

(5) “Grain warehouse keeper” has the meaning given in s. 126.25 (9).

(6) “Milk contractor” has the meaning given in s. 126.40 (8).

(7) “Milk producer” has the meaning given in s. 126.40 (10).

(8) “Producer grain” has the meaning given in s. 126.10 (14).

(9) “Producer milk” has the meaning given s. 126.40 (14).

(10) “Vegetable contractor” has the meaning given in s. 126.55 (14).

(11) “Vegetable procurement contract” has the meaning given in s. 126.55 (15).

(12) “Vegetable producer” has the meaning given in s. 126.55 (16).

126.70 Recovery proceedings. (1) Default claims. Any of the following persons may file a default claim with the department against a contractor who is licensed, or required to be licensed, under this chapter:
(a) A grain producer or producer agent, as defined in s. 126.10 (13), who claims that a grain dealer has failed to pay, when due, for producer grain that the grain dealer procured in this state.

(b) A depositor who is either a grain producer or a producer agent, as defined in s. 126.10 (13), and who claims that a grain warehouse keeper has failed to return stored grain or its equivalent upon demand.

(c) A milk producer or producer agent, as defined in s. 126.40 (13), who claims that a milk contractor has failed to pay, when due, for producer milk procured in this state.

(d) A vegetable producer or producer agent, as defined in s. 126.55 (12), who claims that a vegetable contractor has failed to make payment when due under a vegetable procurement contract.

(2) FILING DEFAULT CLAIMS. A claimant shall file a default claim under sub. (1) within 30 days after the claimant first learns of the default, subject to sub. (3). The claimant shall specify the nature and amount of the default. The department may investigate the alleged default and may require the claimant to provide supporting documentation.

(3) INITIATING A RECOVERY PROCEEDING. (a) The department may initiate a recovery proceeding in response to one or more default claims under sub. (1). The department shall issue a written notice announcing the recovery proceeding. The department shall mail or deliver a copy of the notice to the contractor and each claimant in the proceeding.

(b) If the department has reason to believe that other persons may have default claims under sub. (1) against the same contractor, the department may invite those
persons to file their claims in the recovery proceeding. The department may publish the invitation in any of the following ways:

1. By posting it at the contractor’s place of business.
2. By publishing it as a class 3 notice under ch. 985.
3. By mailing or delivering it to prospective claimants known to the department.
4. By other means that the department considers appropriate.

(c) In its invitation under par. (b), the department may specify a deadline date and a procedure for filing default claims. An invitation may indicate the amount of a prospective claimant’s apparent claim and may ask the prospective claimant to verify or correct that amount.

(d) The department may initiate separate recovery proceedings for default claims that comply with sub. (2) but are filed after the deadline date under par. (c).

(4) Auditing Claims. The department shall audit each claim included in a recovery proceeding. The department shall disallow a claim if the department finds any of the following:

(a) That the claim is false or not adequately documented.
(b) That the claimant filed the claim more than 30 days after the claimant first learned of the contractor’s default, unless the department specifies a later claim-filing deadline under sub. (3) (c).
(c) That the claimant, without any contractual obligation to do so, continued to deliver grain, milk, or vegetables to the defaulting contractor more than 10 days after the claimant first learned of the contractor’s default.
(d) That the claimant failed to comply with claim-filing deadlines or procedures specified under sub. (3) (c).
(e) That the person filing the claim is not an authorized claimant under sub. (1).

(5) ALLOWED CLAIM AMOUNTS. (a) The department shall determine the amount of an allowed claim based on the contract between the parties. If the contract terms are unclear, the department may determine the allowed claim amount based on local market prices, applicable milk marketing order prices, customs in the trade, or other evidence that the department considers appropriate.

(b) Notwithstanding par. (a), if the default involves a grain warehouse keeper’s failure to return stored grain to a depositor upon demand, the department shall calculate the value of the grain based on local market prices on the day on which the depositor made the demand.

(c) The department shall subtract from the allowed claim amount any offsetting payments made by the contractor and any obligations for which the claimant is liable to the contractor.

(6) PROPOSED DECISION. After the department completes its audit under sub. (4), the department shall issue a proposed decision. The department shall mail or deliver a copy of the proposed decision to the contractor and each claimant. The department shall do all of the following in the proposed decision:

(a) Specify proposed findings of fact, proposed conclusions of law, and a proposed order.

(b) Allow or disallow each default claim and specify the amount of each allowed claim. The department may disallow part of a claim.

(c) Specify, for each allowed claim, the amount that the department is authorized to pay under s. 126.71.
(d) Specify the method, under s. 126.71, by which the department will pay the authorized amounts under par. (c).

(e) Explain a claimant’s right under s. 126.87 (4) to seek court recovery of that portion of an allowed claim that is not paid by the department.

(f) Specify a date by which the contractor or claimant may file written objections to the proposed decision.

(7) Final decision if no objections. If no contractor or claimant files a timely written objection to the proposed decision under sub. (6), the department may issue the proposed decision as the department’s final decision in the recovery proceeding, without further notice or hearing. The department shall mail or deliver a copy of the final decision to the contractor and each claimant.

(8) Objections to proposed decision; notice, hearing, and final decision. (a) If a contractor or claimant files a timely written objection to the proposed decision under sub. (6), the department shall hold a public hearing on the objection. The department shall follow applicable contested case procedures under ch. 227. The department may hear all objections in a single proceeding. At the conclusion of the contested case proceeding, the department shall issue a final decision affirming or modifying the proposed decision under sub. (6).

(b) The department may issue a final decision under sub. (7) related to default claims that are not affected by objections under par. (a), regardless of whether the department has completed the contested case proceeding under par. (a).

126.71 Paying default claims. (1) Claims against contributing contractor. Except as provided in sub. (2) or (3), the department shall pay from the appropriate sources under s. 126.72 the following default claim amounts:
(a) For each default claim allowed under s. 126.70 against a grain dealer or milk
contractor who was a contributing contractor when the default occurred:

1. Ninety percent of the first $20,000 allowed.
2. Eighty-five percent of the next $20,000 allowed.
3. Eighty percent of the next $20,000 allowed.
4. Seventy-five percent of any amount allowed in excess of $60,000.

(b) For each default claim allowed under s. 126.70 against a grain warehouse
keeper who was a contributing contractor when the default occurred, 100% of the
first $100,000 allowed.

(c) For each default claim allowed under s. 126.70 against a vegetable
contractor who was a contributing contractor when the default occurred:

1. Ninety percent of the first $40,000 allowed.
2. Eighty-five percent of the next $40,000 allowed.
3. Eighty percent of the next $40,000 allowed.
4. Seventy-five percent of any amount allowed in excess of $120,000.

(1m) WHEN DEFAULT OCCURS. For the purposes of this chapter, a default occurs
on the date on which payment or delivery becomes overdue.

(2) CLAIMS AGAINST CONTRACTOR WHO HAS FILED SECURITY. If the department
allows default claims under s. 126.70 against a contractor who has security on file
with the department, the department shall convert that security and use the
proceeds as follows:

(a) If the contractor was not a contributing contractor when the default
occurred, the department shall use the security proceeds to pay the full amount of
the allowed claims, except that, if the security is not adequate to pay the full amount
of the allowed claims, the department shall pay claimants on a prorated basis in
proportion to their allowed claims.

(b) If the contractor was a contributing contractor when the default occurred,
the department shall use the security proceeds to reimburse the sources under s.
126.72 from which the department makes any claim payment under sub. (1). If the
security amount exceeds the amount payable under sub. (1) from the sources under
s. 126.72, the department shall use the remaining security proceeds to pay the
balance of the allowed claims. If the security amount is not adequate to pay the full
remaining balance, the department shall pay claimants on a prorated basis in
proportion to their allowed claims.

(c) Notwithstanding par. (b), if the contractor was a contributing contractor
when the default occurred, the department may, at its discretion, pay claims directly
from security proceeds rather than from a fund source under s. 126.72. If the
department acts under this paragraph, the department shall first pay claims in the
amounts provided in sub. (1). If the security amount exceeds the amount payable
under sub. (1) from the sources under s. 126.72, the department shall use the
remaining security proceeds to pay the balance of the allowed claims. If the security
amount is not adequate to pay the full remaining balance, the department shall pay
claimants on a prorated basis in proportion to their allowed claims.

(3) PAYMENT RESTRICTIONS. (a) The department may not pay any portion of the
following from any source identified in s. 126.72:

1. A default claim related to a default by a grain dealer or grain warehouse
keeper that occurs before September 1, 2002.

2. A default claim related to a default by a milk contractor that occurs before
May 1, 2002.
3. A default claim related to a default by a vegetable contractor that occurs before February 1, 2002.

4. A default claim allowed against a contractor who was not a contributing contractor when the default occurred.

(b) The department may not pay any default claim under this chapter, except as provided in sub. (1) or (2).

(c) If the total amount of default claims exceeds the amount available under s. 126.72, the department shall prorate the available amount among the eligible claimants in proportion to the amount of their allowed claims.

**Effect of Payment.** A claimant who accepts payment under sub. (1) or (2) releases his or her claim against the contractor to the extent of the payment. A payment under sub. (1) or (2) does not prevent a claimant from recovering the balance of an allowed claim directly from the contractor.

**126.72 Claims against contributing contractor; payment sources.**

(1) **Producer Security Fund.** From the appropriation under s. 20.115 (1) (w), the department shall make payments authorized under s. 126.71 (1), up to the deductible amount in sub. (4).

(2) **Industry Bond Proceeds.** The department shall make a demand against the appropriate industry bond under s. 126.06 and shall use the proceeds of that bond to make payments authorized under s. 126.71 (1), to the extent that those payments exceed the deductible amount in sub. (4).

(3) **Blanket Bond Proceeds.** The department shall make a demand against the blanket bond under s. 126.07 and shall use the bond proceeds to pay any remaining amounts authorized under s. 126.71 (1) after the department makes payments under subs. (1) and (2).
Deductible Amount. The deductible amount, for purposes of subs. (1) and (2), is as follows:

(a) For default claims against a grain dealer or grain warehouse keeper who was a contributing contractor when the default occurred:

1. If the department allows the claims on or after September 1, 2002, but before September 1, 2004, $500,000.

2. If the department allows the claims on or after September 1, 2004, but before September 1, 2006, $750,000.

3. If the department allows the claims on or after September 1, 2006, $1,000,000.

(b) For default claims against a milk contractor who was a contributing contractor when the default occurred:

1. If the department allows the claims on or after May 1, 2002, but before May 1, 2004, $1,000,000.

2. If the department allows the claims on or after May 1, 2004, but before May 1, 2006, $1,500,000.

3. If the department allows the claims on or after May 1, 2006, $2,000,000.

(c) For claims against a vegetable contractor who was a contributing contractor when the default occurred:

1. If the department allows the claims on or after February 1, 2002, but before February 1, 2004, $500,000.

2. If the department allows the claims on or after February 1, 2004, but before February 1, 2006, $750,000.

3. If the department allows the claims on or after February 1, 2006, $1,000,000.
126.73 Reimbursing payments. (1) Payments from the fund. The department may demand and collect, from a contractor, any claim amounts that the department pays under s. 126.72 (1) because of the contractor’s default.

(2) Bond payments. A bond surety may demand and collect, from a contractor, any claim amounts that the bond surety pays to the department under s. 126.72 (2) or (3) because of the contractor’s default. The bond surety shall provide the department with a copy of each demand under this subsection.

SUBCHAPTER VIII
ADMINISTRATION AND ENFORCEMENT

126.78 Definitions. In this subchapter:

(1) “Contributing contractor” has the meaning given in s. 126.68 (1).

(2) “Depositor” has the meaning given in s. 126.25 (5).

(3) “Grain dealer” has the meaning given in s. 126.10 (9).

(4) “Grain warehouse keeper” has the meaning given in s. 126.25 (9).

(5) “Milk contractor” has the meaning given in s. 126.40 (8).

(6) “Producer agent” means a person who is a producer agent, as defined in s. 126.10 (13), 126.40 (13), or 126.55 (12).

(7) “Vegetable contractor” has the meaning given in s. 126.55 (14).

(8) “Vegetable producer” has the meaning given in s. 126.55 (16).

126.80 Department authority; general. The department shall administer this chapter.

126.81 Rule-making. The department may promulgate rules to do any of the following:

(1) Interpret and implement this chapter.
(2) Modify the license fees and surcharges provided in s. 126.11 (4), 126.26 (3), 126.41 (3), 126.42, or 126.56 (4).

(3) Modify the fund assessments provided under s. 126.15, 126.30, 126.46, or 126.60, as provided in s. 126.88.

(4) Require a contractor to notify producers and producer agents of the contractor’s license, security, or fund contribution status under this chapter.

126.82 Investigations. The department may conduct investigations that it considers necessary for the administration of this chapter, including investigations to determine any of the following:

(1) Whether a contractor complies with this chapter.
(2) Whether a contractor is able to honor contract obligations when due.
(3) Whether a contractor has failed to honor contract obligations when due.
(4) Whether a grain warehouse keeper has sufficient grain on hand to meet the grain warehouse keeper’s obligations to depositors.
(5) The nature and amount of a contractor’s storage obligations or other contract obligations.

126.83 Information. The department may require a contractor to provide information that is relevant to the administration and enforcement of this chapter.

126.84 Records; confidentiality. (1) Public records exemption. The following records obtained by the department under this chapter are not open to public inspection under s. 19.35:

(a) Contractor financial statements.
(b) A contractor’s purchase, storage, or procurement records.

(2) Use of records in court or administrative proceedings. Notwithstanding sub. (1), the department may introduce any information obtained under this chapter
in a court proceeding or administrative contested case, subject to any protective
order that the court or administrative tribunal determines to be appropriate.

126.85 Remedial orders. (1) General. The department may, by special
order, require a contractor to remedy a violation of this chapter or a rule promulgated
under this chapter. The department may order the contractor to take specific
remedial actions, including actions to remedy deficiencies or to prevent losses to
persons protected under this chapter. Except as provided in sub. (2), the department
shall give the contractor notice and an opportunity for hearing before the department
issues an order.

(2) Summary order. The department may issue an order under sub. (1) without
prior notice or hearing if the department finds that the order is necessary to prevent
a clear and imminent threat of harm to persons protected under this chapter.
Conditions indicating a clear and imminent threat of harm include the following:

(a) A contractor fails to pay producers according to this chapter or according
to the contractor’s contracts with producers.

(b) A contractor fails to file replacement insurance within the time required
under this chapter.

(c) A contractor fails to file security according to this chapter, or in response to
the department’s demand under this chapter.

(d) A contractor fails to pay a fund assessment when due.

(e) A vegetable contractor fails to pay vegetable producers by January 31 for
vegetables delivered by December 31 of the previous year, except as authorized in a
deferred payment contract.

(f) A grain warehouse keeper fails to return grain to depositors upon demand,
as required under s. 126.34 (4).
(g) A grain warehouse keeper fails to maintain adequate grain inventory as required under s. 126.34 (3), and at least one of the following applies:

1. The amount of the deficiency exceeds 10,000 bushels or 10% of the grain warehouse keeper’s obligations to depositors, whichever amount is less.

2. The grain warehouse keeper fails to correct the deficiency within 15 days after receiving the department’s written notice that a deficiency exists.

(3) Hearing on summary order. (a) A contractor named in a summary order under sub. (2) may, within 10 days after receiving the order, request a hearing on the order. The department shall hold an informal hearing as soon as possible after receiving a hearing request, but not later than 10 days after receiving the hearing request, unless the contractor waives the informal hearing or agrees to hold it at a later date. If the matter is not resolved at the informal hearing, the department shall hold a contested case hearing under ch. 227 as soon as reasonably possible.

(b) A hearing request under par. (a) does not automatically stay a summary order. The department may stay a summary order pending hearing.

126.86 License actions. (1) General. The department may for cause deny, suspend, revoke, or impose conditions on a contractor’s license, as provided in s. 93.06 (7) and (8). Cause may include any of the following:

(a) The contractor fails to comply with this chapter or a rule promulgated under this chapter.

(b) The contractor fails to comply with an order that the department issues under this chapter.

(c) The contractor fails to provide relevant information that the department requests under this chapter or falsifies information provided to the department.
(d) The contractor fails to file a financial statement, security, fees, or assessments required under this chapter, or fails to meet other requirements for licensing.

(e) The contractor fails to honor contract obligations to persons who are authorized to file default claims under s. 126.70 (1).

(f) The contractor fails to reimburse the department, within 60 days after the department issues a reimbursement demand under s. 126.73 (1), for the full amount that the department pays to claimants under s. 126.72 (1) because of the contractor’s default.

(g) The contractor fails to reimburse a bond surety, within 60 days after the bond surety issues a reimbursement demand under s. 126.73 (2), for the full amount that the surety pays to the department under s. 126.72 (2) or (3) for the benefit of claimants affected by the contractor’s default.

(2) **HEARING ON LICENSE ACTION; GENERAL.** Except as provided in sub. (3), the department shall give a contractor notice and an opportunity for hearing before the department suspends, revokes, or imposes conditions on a license held by the contractor.

(3) **SUMMARY ACTION.** (a) The department may, without prior notice or hearing, summarily suspend, revoke, or impose conditions on a license held by a contractor if the department finds that summary action is necessary to prevent a clear and imminent threat of harm to persons protected under this chapter. Conditions indicating a clear and imminent threat of harm include those identified in s. 126.85 (2).

(b) A contractor who is the subject of a summary action under par. (a) may, within 10 days after receiving notice of that action, request a hearing on the action.
The department shall hold an informal hearing as soon as possible after receiving a hearing request, but not later than 10 days after receiving the hearing request, unless the contractor waives the informal hearing or agrees to hold it at a later date. If the matter is not resolved at the informal hearing, the department shall hold a contested case hearing under ch. 227 as soon as reasonably possible.

(c) A request for hearing under par. (b) does not automatically stay a summary action under par. (a). The department may stay a summary action pending hearing.

126.87 Court actions. (1) INJUNCTION. The department may petition the circuit court for an ex parte temporary restraining order, a temporary injunction, or a permanent injunction to prevent, restrain, or enjoin any person from violating this chapter, any rule promulgated under this chapter, or any order issued under this chapter. The department may seek this remedy in addition to any other penalty or remedy provided under this chapter.

(2) PENALTIES. (a) A person who violates this chapter, a rule promulgated under this chapter, or an order issued under this chapter is subject to a forfeiture of not less than $250 nor more than $5,000 for each violation.

(b) A person who intentionally violates this chapter, a rule promulgated under this chapter, or an order issued under this chapter may be fined not more than $10,000 or imprisoned for not more than one year in the county jail or both.

(4) PRIVATE REMEDY. (a) A person whose claim is allowed under s. 126.70 may bring an action against the contractor to recover the amount of the allowed claim, less any recovery amount that the department pays to the claimant under s. 126.71. In any court action under this subsection, the claimant may recover costs including all reasonable attorney fees, notwithstanding s. 814.04 (1). This subsection does not
limit any other legal cause of action that the claimant may have against the
contractor.

(b) A claim allowed under s. 126.70 has the same priority in an insolvency
proceeding or creditor’s action as a claim for wages, except as otherwise provided by
federal law.

(5) COLLECTIONS. The department may bring an action in court to recover any
unpaid amount that a contractor owes the department under this chapter, including
any unpaid fund assessment or reimbursement.

126.88 Modifying fund assessments. The department may by rule modify
the fund assessments provided under s. 126.15, 126.30, 126.46, or 126.60. The
department shall modify fund assessments as necessary to do all of the following:

(1) Maintain an overall fund balance of at least $5,000,000 after January 1,
2006, but not more than $22,000,000 at any time.

(2) Maintain a fund balance attributable to grain dealers of at least $1,000,000
after January 1, 2006, but not more than $6,000,000 at any time.

(3) Maintain a fund balance attributable to grain warehouse keepers of at least
$200,000 after January 1, 2006, but not more than $1,000,000 at any time.

(4) Maintain a fund balance attributable to milk contractors of at least
$3,000,000 after January 1, 2006, but not more than $12,000,000 at any time.

(5) Maintain a fund balance attributable to vegetable contractors of at least
$800,000 after January 1, 2006, but not more than $3,000,000 at any time.

126.89 Calculations. If a number used in or resulting from a calculation made
to determine the amount of an assessment under s. 126.15, 126.30, 126.46, or 126.60,
other than a number that appears in one of those sections, extends more than 6
decimal places to the right of the decimal point, a person making the calculation shall
round the number to the nearest whole digit in the 6th decimal place to the right of the decimal point. The amount of an assessment may be rounded to the nearest whole dollar.

126.90 Agricultural producer security council. The agricultural producer security council shall advise the department on the administration and enforcement of this chapter. The council shall meet as often as the department considers necessary, but at least once annually. The department shall inform the council of fund balances and payments, and shall consult with the council before modifying any license fee, license surcharge, or fund assessment under this chapter.

SECTION 2814. Chapter 127 of the statutes is repealed.

SECTION 2815. 134.71 (5) (intro.) of the statutes is amended to read:

134.71 (5) LICENSE APPLICATION. (intro.) A person wishing to operate as a secondhand article dealer or a secondhand jewelry dealer and have a principal place of business in a municipality shall apply for a license to the clerk of that municipality. A person wishing to operate as a pawnbroker in a municipality shall apply for a license to the clerk of the municipality. The clerk shall furnish application forms under sub. (12) that shall require all of the following:

SECTION 2816. 134.71 (8) (c) 1. of the statutes is amended to read:

134.71 (8) (c) 1. Except as provided in subd. 2., for each transaction of purchase, receipt or exchange of any secondhand article or secondhand jewelry from a customer, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall require the customer to complete and sign, in ink, the appropriate form provided under sub. (12). No entry on such a form may be erased, mutilated or changed. The pawnbroker, secondhand article dealer or secondhand jewelry dealer shall retain an original and a duplicate of each form for not less than one year after
the date of the transaction except as provided in par. (e), and during that period shall
make the duplicate available to any law enforcement officer for inspection at any
reasonable time.

**SECTION 2817.** 134.71 (12) of the statutes is amended to read:

134.71 (12) **APPLICATIONS AND FORMS.** The department of agriculture, trade and
consumer protection shall may develop sample applications and other sample forms
required under subs. (5) (intro.) and (8) (c). The department shall print a sufficient
number of applications and forms to provide to counties and municipalities for
distribution to pawnbrokers, secondhand article dealers and secondhand jewelry
dealers at no cost and may provide the samples to counties and municipalities to
reproduce and distribute or to revise for reproduction and distribution.

**SECTION 2818.** 134.72 (title) of the statutes is amended to read:

134.72 (title) **Prohibition of certain unsolicited messages by telephone**
or facsimile machine.

**SECTION 2819.** 134.72 (1) (c) of the statutes is renumbered 100.52 (1) (e).

**SECTION 2820.** 134.72 (2) (title) of the statutes is repealed and recreated to
read:

134.72 (2) (title) **PROHIBITION.**

**SECTION 2821.** 134.72 (2) (a) of the statutes is renumbered 100.52 (2) and
amended to read:

100.52 (2) **PRERECORDED TELEPHONE SOLICITATION.** No person An employee of a
professional telemarketer may not use an electronically prerecorded message in
telephone solicitation without the consent of the person called.

**SECTION 2822.** 134.72 (2) (b) (title) of the statutes is repealed.
SECTION 2823. 134.72 (2) (b) 1. (intro.), a. and b. and 2. of the statutes are renumbered 134.72 (2) (a) (intro.), 1. and 2. and (b), and 134.72 (2) (b), as renumbered, is amended to read:

134.72 (2) (b) Notwithstanding subd. 1, par. (a), a person may not make a facsimile solicitation to a person who has notified the facsimile solicitor in writing or by facsimile transmission that the person does not want to receive facsimile solicitation.

SECTION 2824. 134.72 (3) (a) of the statutes is amended to read:

134.72 (3) (a) Intrastate. This section applies to any intrastate telephone solicitation or intrastate facsimile solicitation.

SECTION 2825. 134.72 (3) (b) of the statutes is amended to read:

134.72 (3) (b) Interstate. This section applies to any interstate telephone solicitation, or interstate facsimile solicitation, received by a person in this state.

SECTION 2826. 134.72 (4) of the statutes is amended to read:

134.72 (4) Penalty. A person who violates this section may be required to forfeit up to not more than $500.

SECTION 2827. 135.02 (3) (c) of the statutes is created to read:

135.02 (3) (c) A contract or agreement, either expressed or implied, whether oral or written, between 2 or more persons by which a wholesaler, as defined in s. 125.02 (21), is granted the right to sell or distribute fermented malt beverages or use a trade name, trademark, service mark, logotype, brand, advertising, or other commercial symbol related to fermented malt beverages.

SECTION 2828. 135.067 of the statutes is created to read:

135.067 Fermented malt beverage dealerships. (1) Compensation of prior dealer. Notwithstanding s. 135.03, any person who assumes, in whole or in
part, a dealership described in s. 135.02 (3) (c) following the grantor’s termination, cancellation, or nonrenewal in whole or in part of a prior dealership agreement shall compensate the prior dealer for the fair market value of that portion of the dealership assumed unless the grantor terminated, canceled, or failed to renew for any of the following reasons:

(a) The prior dealer engaged in material fraudulent conduct or made material and substantial misrepresentations in its dealings with the grantor or with others related to the dealership.

(b) The prior dealer was convicted of, or pleaded no contest to, a felony crime substantially related to the dealer’s ability to operate the dealership.

(c) The prior dealer knowingly distributed dealership products outside the territory authorized by the grantor.

(2) Binding Arbitration. The grantor shall advise the person assuming the dealership of the person’s obligations under sub. (1) prior to the person’s assumption of the dealership. If the person assuming a dealership under sub. (1) and the prior dealer agree in writing to the fair market value of that portion of the dealership assumed, the person assuming the dealership shall pay the agreed upon sum to the prior dealer within 30 days of the date on which the parties reached the agreement. If no written agreement for compensation of the prior dealer is reached within 30 days after the grantor’s termination, cancellation, or nonrenewal of the prior dealership agreement, the prior dealer may submit the dispute for binding arbitration, subject to ch. 788, through a nationally recognized arbitration association. Unless the parties agree otherwise, the arbitration shall be conducted on an expedited basis to the extent an expedited proceeding is reasonably available.
through the arbitration association, and each party shall pay an equal share of the cost of the arbitration.

SECTION 2829. Chapter 137 (title) of the statutes is amended to read:

CHAPTER 137

AUTHENTICATIONS AND ELECTRONIC TRANSACTIONS AND RECORDS

SECTION 2830. Subchapter I (title) of chapter 137 [precedes 137.01] of the statutes is amended to read:

CHAPTER 137

SUBCHAPTER I

NOTARIES AND COMMISSIONERS OF DEEDS; NONELECTRONIC NOTARIZATION AND ACKNOWLEDGEMENT

SECTION 2831. 137.01 (3) (a) of the statutes is amended to read:

137.01 (3) (a) Every notary public shall provide an engraved official seal which makes a distinct and legible impression or official rubber stamp which makes a distinct and legible imprint on paper. The impression of the seal or the imprint of the rubber stamp shall state only the following: “Notary Public,” “State of Wisconsin” and the name of the notary. But any notarial seal in use on August 1, 1959, shall be considered in compliance.

SECTION 2832. 137.01 (4) (a) of the statutes is amended to read:

137.01 (4) (a) Every official act of a notary public shall be attested by the notary public's written signature or electronic signature, as defined in s. 137.04 (2) 137.11 (8).

SECTION 2833. 137.01 (4) (b) of the statutes is amended to read:
137.01 (4) (b) All except as authorized in s. 137.19, all certificates of acknowledgments of deeds and other conveyances, or any written instrument required or authorized by law to be acknowledged or sworn to before any notary public, within this state, shall be attested by a clear impression of the official seal or imprint of the rubber stamp of said officer, and in addition thereto shall be written or stamped either the day, month and year when the commission of said notary public will expire, or that such commission is permanent.

Section 2834. Subchapter II (title) of chapter 137 [precedes 137.04] of the statutes is amended to read:

CHAPTER 137

SUBCHAPTER II

ELECTRONIC SIGNATURES

TRANSACTIONS AND RECORDS;

ELECTRONIC NOTARIZATION

AND ACKNOWLEDGEMENT

Section 2835. 137.04 of the statutes is repealed.

Section 2836. 137.05 (title) of the statutes is renumbered 137.25 (title) and amended to read:

137.25 (title) Submission of written documents records to governmental units.

Section 2837. 137.05 of the statutes is renumbered 137.25 (1) and amended to read:

137.25 (1) Unless otherwise prohibited provided by law, with the consent of a governmental unit of this state that is to receive a record, any document record that is required by law to be submitted in writing to a that governmental unit and that
requires a written signature may be submitted by transforming the document into
an electronic format, but only with the consent of the governmental unit that is
to receive the document record, and if submitted as an electronic record may
incorporate an electronic signature.

**SECTION 2838.** 137.06 of the statutes is repealed.

**SECTION 2839.** 137.11 to 137.24 of the statutes are created to read:

**137.11 Definitions.** In this subchapter:

(1) “Agreement” means the bargain of the parties in fact, as found in their
language or inferred from other circumstances and from rules, regulations, and
procedures given the effect of agreements under laws otherwise applicable to a
particular transaction.

(2) “Automated transaction” means a transaction conducted or performed, in
whole or in part, by electronic means or by the use of electronic records, in which the
acts or records of one or both parties are not reviewed by an individual in the ordinary
course in forming a contract, performing under an existing contract, or fulfilling an
obligation required by the transaction.

(3) “Computer program” means a set of statements or instructions to be used
directly or indirectly in an information processing system in order to bring about a
certain result.

(4) “Contract” means the total legal obligation resulting from the parties’
agreement as affected by this subchapter and other applicable law.

(5) “Electronic” means relating to technology having electrical, digital,
magnetic, wireless, optical, electromagnetic, or similar capabilities.

(6) “Electronic agent” means a computer program or an electronic or other
automated means used independently to initiate an action or respond to electronic
records or performances in whole or in part, without review or action by an
individual.

(7) “Electronic record” means a record that is created, generated, sent,
communicated, received, or stored by electronic means.

(8) “Electronic signature” means an electronic sound, symbol, or process
attached to or logically associated with a record and executed or adopted by a person
with the intent to sign the record.

(9) “Governmental unit” means:

(a) An agency, department, board, commission, office, authority, institution, or
instrumentality of the federal government or of a state or of a political subdivision
of a state or special purpose district within a state, regardless of the branch or
branches of government in which it is located.

(b) A political subdivision of a state or special purpose district within a state.

(c) An association or society to which appropriations are made by law.

(d) Any body within one or more of the entities specified in pars. (a) to (c) that
is created or authorized to be created by the constitution, by law, or by action of one
or more of the entities specified in pars. (a) to (c).

(e) Any combination of any of the entities specified in pars. (a) to (d).

(10) “Information” means data, text, images, sounds, codes, computer
programs, software, databases, or the like.

(11) “Information processing system” means an electronic system for creating,
generating, sending, receiving, storing, displaying, or processing information.

(12) “Record” means information that is inscribed on a tangible medium or that
is stored in an electronic or other medium and is retrievable in perceivable form.
(13) “Security procedure” means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, callback, or other acknowledgment procedures.

(14) “State” means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

(15) “Transaction” means an action or set of actions occurring between 2 or more persons relating to the conduct of business, commercial, or governmental affairs.

137.12 Application. (1) Except as otherwise provided in sub. (2) and except in ss. 137.25 and 137.26, this subchapter applies to electronic records and electronic signatures relating to a transaction.

(2) Except as otherwise provided in sub. (3), this subchapter does not apply to a transaction to the extent it is governed by:

(a) Any law governing the execution of wills or the creation of testamentary trusts; or

(b) Chapters 401 and 403 to 410, other than ss. 401.107 and 401.206.

(3) This subchapter applies to an electronic record or electronic signature otherwise excluded from the application of this subchapter under sub. (2) to the extent it is governed by a law other than those specified in sub. (2).
(4) A transaction subject to this subchapter is also subject to other applicable substantive law.

(5) This subchapter applies to the state of Wisconsin, unless otherwise expressly provided.

137.13 Use of electronic records and electronic signatures; variation by agreement. (1) This subchapter does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

(2) This subchapter applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties’ conduct.

(3) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this subsection may not be waived by agreement.

(4) Except as otherwise provided in this subchapter, the effect of any provision of this subchapter may be varied by agreement. Use of the words “unless otherwise agreed,” or words of similar import, in this subchapter shall not be interpreted to preclude other provisions of this subchapter from being varied by agreement.

(5) Whether an electronic record or electronic signature has legal consequences is determined by this subchapter and other applicable law.

137.14 Construction. This subchapter shall be construed and applied:

(1) To facilitate electronic transactions consistent with other applicable law;

(2) To be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices; and
(3) To effectuate its general purpose to make uniform the law with respect to
the subject of this subchapter among states enacting laws substantially similar to
the Uniform Electronic Transactions Act as approved and recommended by the

137.15 Legal recognition of electronic records, electronic signatures,
and electronic contracts. (1) A record or signature may not be denied legal effect
or enforceability solely because it is in electronic form.

(2) A contract may not be denied legal effect or enforceability solely because an
electronic record was used in its formation.

(3) If a law requires a record to be in writing, an electronic record satisfies that
requirement in that law.

(4) If a law requires a signature, an electronic signature satisfies that
requirement in that law.

137.16 Provision of information in writing; presentation of records.

(1) If parties have agreed to conduct a transaction by electronic means and a law
requires a person to provide, send, or deliver information in writing to another
person, a party may satisfy the requirement with respect to that transaction if the
information is provided, sent, or delivered, as the case may be, in an electronic record
capable of retention by the recipient at the time of receipt. An electronic record is not
capable of retention by the recipient if the sender or its information processing
system inhibits the ability of the recipient to print or store the electronic record.

(2) If a law other than this subchapter requires a record to be posted or
displayed in a certain manner, to be sent, communicated, or transmitted by a
specified method, or to contain information that is formatted in a certain manner,
then:
(a) The record shall be posted or displayed in the manner specified in the other law.

(b) Except as otherwise provided in sub. (4) (b), the record shall be sent, communicated, or transmitted by the method specified in the other law.

(c) The record shall contain the information formatted in the manner specified in the other law.

(3) If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.

(4) The requirements of this section may not be varied by agreement, but:

(a) To the extent a law other than this subchapter requires information to be provided, sent, or delivered in writing but permits that requirement to be varied by agreement, the requirement under sub. (1) that the information be in the form of an electronic record capable of retention may also be varied by agreement; and

(b) A requirement under a law other than this subchapter to send, communicate, or transmit a record by 1st-class or regular mail or with postage prepaid may be varied by agreement to the extent permitted by the other law.

137.17 Attribution and effect of electronic records and electronic signatures. (1) An electronic record or electronic signature is attributable to a person if the electronic record or electronic signature was created by the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

(2) The effect of an electronic record or electronic signature that is attributed to a person under sub. (1) is determined from the context and surrounding
circumstances at the time of its creation, execution, or adoption, including the
parties’ agreement, if any, and otherwise as provided by law.

137.18 Effect of change or error. (1) If a change or error in an electronic
record occurs in a transmission between parties to a transaction, then:

(a) If the parties have agreed to use a security procedure to detect changes or
errors and one party has conformed to the procedure, but the other party has not, and
the nonconforming party would have detected the change or error had that party also
conformed, the conforming party may avoid the effect of the changed or erroneous
electronic record.

(b) In an automated transaction involving an individual, the individual may
avoid the effect of an electronic record that resulted from an error made by the
individual in dealing with the electronic agent of another person if the electronic
agent did not provide an opportunity for the prevention or correction of the error and,
at the time the individual learns of the error, the individual:

1. Promptly notifies the other person of the error and that the individual did
not intend to be bound by the electronic record received by the other person;

2. Takes reasonable steps, including steps that conform to the other person’s
reasonable instructions, to return to the other person or, if instructed by the other
person, to destroy the consideration received, if any, as a result of the erroneous
electronic record; and

3. Has not used or received any benefit or value from the consideration, if any,
received from the other person.

(2) If neither sub. (1) (a) nor (b) applies, the change or error has the effect
provided by other law, including the law of mistake, and the parties’ contract, if any.

(3) Subsections (1) (b) and (2) may not be varied by agreement.
137.19 Notarization and acknowledgement. If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to administer the oath or to make the notarization, acknowledgment, or verification, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

137.20 Retention of electronic records; originals. (1) If a law requires that a record be retained, the requirement is satisfied by retaining the information set forth in the record as an electronic record which:

(a) Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

(b) Remains accessible for later reference.

(2) A requirement to retain a record in accordance with sub. (1) does not apply to any information the sole purpose of which is to enable the record to be sent, communicated, or received.

(3) A person may comply with sub. (1) by using the services of another person if the requirements of that subsection are satisfied.

(4) Except as provided in sub. (6), if a law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, a person may comply with that law by using an electronic record that is retained in accordance with sub. (1).

(5) If a law requires retention of a check, that requirement is satisfied by retention of an electronic record containing the information on the front and back of the check in accordance with sub. (1).
(6) A record retained as an electronic record in accordance with sub. (1) satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after the effective date of this subsection .... [revisor inserts date], specifically prohibits the use of an electronic record for the specified purpose.

(7) This section does not preclude a governmental unit of this state from specifying additional requirements for the retention of any record subject to the jurisdiction of that governmental unit.

137.21 **Admissibility in evidence.** In a proceeding, a record or signature may not be excluded as evidence solely because it is in electronic form.

137.22 **Automated transactions.** In an automated transaction:

(1) A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or reviewed the electronic agent’s actions or the resulting terms and agreements.

(2) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual’s own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance.

(3) The terms of a contract under sub. (1) or (2) are governed by the substantive law applicable to the contract.

137.23 **Time and place of sending and receipt.** (1) Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:

(a) Is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of
receiving electronic records or information of the type sent and from which the
recipient is able to retrieve the electronic record;

(b) Is in a form capable of being processed by that system; and

c) Enters an information processing system outside the control of the sender
or of a person that sent the electronic record on behalf of the sender or enters a region
of the information processing system designated or used by the recipient which is
under the control of the recipient.

(2) Unless otherwise agreed between a sender and the recipient, an electronic
record is received when:

(a) It enters an information processing system that the recipient has
designated or uses for the purpose of receiving electronic records or information of
the type sent and from which the recipient is able to retrieve the electronic record;
and

(b) It is in a form capable of being processed by that system.

(3) Subsection (2) applies even if the place where the information processing
system is located is different from the place where the electronic record is deemed
to be received under sub. (4).

(4) Unless otherwise expressly provided in the electronic record or agreed
between the sender and the recipient, an electronic record is deemed to be sent from
the sender’s place of business and to be received at the recipient’s place of business.

For purposes of this subsection:

(a) If the sender or recipient has more than one place of business, the place of
business of that person is the place having the closest relationship to the underlying
transaction.
(b) If the sender or the recipient does not have a place of business, the place of
business is the sender’s or recipient’s residence, as the case may be.

(5) An electronic record is received under sub. (2) even if no individual is aware
of its receipt.

(6) Receipt of an electronic acknowledgment from an information processing
system described in sub. (2) establishes that a record was received but, by itself, does
not establish that the content sent corresponds to the content received.

(7) If a person is aware that an electronic record purportedly sent under sub.
(1), or purportedly received under sub. (2), was not actually sent or received, the legal
effect of the sending or receipt is determined by other applicable law. Except to the
extent permitted by the other law, the requirements of this subsection may not be
varied by agreement.

137.24 Transferable records. (1) In this section, “transferable record”
means an electronic record that would be a note under ch. 403 or a record under ch.
407 if the electronic record were in writing.

(1m) An electronic record qualifies as a transferable record under this section
only if the issuer of the electronic record expressly has agreed that the electronic
record is a transferable record.

(2) A person has control of a transferable record if a system employed for
evidencing the transfer of interests in the transferable record reliably establishes
that person as the person to which the transferable record was issued or transferred.

(3) A system satisfies the requirements of sub. (2), and a person is deemed to
have control of a transferable record, if the transferable record is created, stored, and
assigned in such a manner that:
(a) A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in pars. (d) to (f), unalterable;

(b) The authoritative copy identifies the person asserting control as the person to which the transferable record was issued or, if the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

(c) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(d) Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(e) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(4) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in s. 401.201 (20), of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under chs. 401 to 411, including, if the applicable statutory requirements under s. 403.302 (1), 407.501, or 409.308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable record of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this subsection.

(5) Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under chs. 401 to 411.
(6) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

**SECTION 2840.** 137.25 (2) of the statutes is created to read:

137.25 (2) (a) The department of administration shall promulgate rules concerning the use of electronic records and electronic signatures by governmental units, which shall govern the use of electronic records or signatures by governmental units, unless otherwise provided by law.

(b) The department of administration and the secretary of state shall jointly promulgate rules establishing requirements that, unless otherwise provided by law, a notary public must satisfy in order to use an electronic signature for any attestation. The joint rules shall be numbered as rules of each agency in the Wisconsin Administrative Code.

**SECTION 2841.** 137.26 of the statutes is created to read:

**137.26 Interoperability.** If a governmental unit of this state adopts standards regarding its receipt of electronic records or electronic signatures under s. 137.25, the governmental unit shall promote consistency and interoperability with similar standards adopted by other governmental units of this state and other states and the federal government and nongovernmental persons interacting with governmental units of this state. Any standards so adopted may include alternative provisions if warranted to meet particular applications.

**SECTION 2842.** 139.30 (7) of the statutes is amended to read:
139.30 (7) “Manufacturer” means any person who manufactures cigarettes for
the purpose of sale, including the authorized agent of a person who manufactures
cigarettes for the purpose of sale.

SECTION 2843. 139.31 (4) of the statutes is created to read:

139.31 (4) No person may affix stamps, as described under s. 139.32, to any of
the following:

(a) A cigarette package on which a statement, label, stamp, sticker, or notice
indicates that the manufacturer did not intend the cigarettes in the package to be
sold, distributed, or used in the United States, including labels stating “for export
only,” “U.S. tax exempt,” “for use outside U.S.,” or similar wording.

(b) A cigarette package that is labeled as provided under federal law as not
intended for consumption in the United States.

(c) A cigarette package that is not labeled as provided under federal law.

(d) A cigarette package that is modified by a person who is not the cigarette
manufacturer.

(e) Any cigarettes that are imported into the United States after December 31,
1999, in violation of federal law.

SECTION 2844. 139.31 (5) of the statutes is created to read:

139.31 (5) (a) No person may alter a cigarette package before the sale or
distribution to the ultimate consumer so as to remove, conceal, or obscure any of the
following:

1. Any statement, label, stamp, sticker, or notice described in sub. (4) (a).

2. Any health warning that is specified in or that conforms with the
requirements under 15 USC 1333.
(b) No person may affix stamps, as described in s. 139.32, to any cigarette package that is altered as described in par. (a).

SECTION 2845. 139.321 (1m) of the statutes is created to read:

139.321 (1m) It is unlawful for any person to possess in excess of 400 cigarettes as described under s. 139.31 (4) or (5) (b); or to sell or distribute cigarettes as described under s. 139.31 (4) or (5) (b); except for cigarettes that may be brought into the United States for personal use and cigarettes that are sold or intended for sale by a duty-free enterprise, as provided under federal law.

SECTION 2846. 139.34 (3) of the statutes is created to read:

139.34 (3) No distributor may affix stamps to cigarette packages, as provided in s. 139.32, unless the distributor certifies to the department, in a manner prescribed by the department, that the distributor purchases cigarettes directly from a manufacturer.

SECTION 2847. 139.39 (4m) of the statutes is created to read:

139.39 (4m) Any person may bring an action for a violation of s. 139.31 (4) or (5) for actual damages sustained as a result of the violation and for injunctive relief. Notwithstanding s. 814.04 (1), the court may order the violator to pay the prevailing party’s costs and reasonable attorney fees. The trier of fact may increase recovery to an amount not exceeding 3 times the actual damages sustained as a result of the violation, if the trier of fact determines that the violation is wilful.

SECTION 2848. 139.44 (8) (intro.) of the statutes is amended to read:

139.44 (8) (intro.) Penalties for violation of s. 139.321 (1) or (1m) shall be as follows:

SECTION 2849. 146.36 of the statutes is repealed.

SECTION 2850. 146.55 (2m) (a) of the statutes is repealed and recreated to read:
146.55 (2m) (a) The department shall contract with a physician to direct the 
state emergency medical services program. The department may expend from the 
funding under the federal preventive health services project grant program under 
42 USC 2476 under the appropriation under s. 20.435 (1) (mc), $25,000 in each fiscal 
year for this purpose.

**SECTION 2851.** 153.45 (4) of the statutes is repealed.

**SECTION 2852.** 153.75 (1) (s) of the statutes is repealed.

**SECTION 2853.** 157.70 (2) (i) of the statutes is amended to read:

157.70 (2) (i) Cause a cataloged burial site to be recorded by the register of 
deeds of the county in which the burial site is located. The historical society shall 
reimburse the county for the cost of recording under this paragraph from the 
appropriation under s. 20.245 (3) (1) (a).

**SECTION 2854.** 165.055 (3) of the statutes is repealed.

**SECTION 2855.** 165.25 (4) (ar) of the statutes is amended to read:

165.25 (4) (ar) The At the request of the department of agriculture, trade and 
consumer protection, the department of justice shall may furnish all legal services 
required by to the department of agriculture, trade and consumer protection relating 
to the enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 
100.182, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50, 
and 100.51 and chs. 136, 344, 704, 707, and 779, together with any other services as 
are necessarily connected to the legal services.

**SECTION 2856.** 165.25 (4) (ar) of the statutes, as affected by 2001 Wisconsin Act 
.... (this act), is amended to read:

165.25 (4) (ar) At the request of the department of agriculture, trade and 
consumer protection, the department of justice may furnish legal services to the
department of agriculture, trade and consumer protection relating to the
enforcement of ss. 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182,
100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50, and
100.51 and chs. 126, 136, 344, 704, 707, and 779, together with any other services as
are necessarily connected to the legal services.

SECTION 2857. 165.40 (6) (a) (intro.) of the statutes is amended to read:

165.40 (6) (a) (intro.) No certificate of approval to maintain a hospital may be
issued under s. 50.35 and a certificate of approval that has been issued under that
section shall be suspended or revoked if any of the following occurs:

SECTION 2858. 165.755 (4) of the statutes is amended to read:

165.755 (4) If a municipal court imposes a forfeiture, after determining the
amount due under sub. (1) (a) the court shall collect and transmit such amount to the
treasurer of the county, city, town or village, and that treasurer shall make payment
to the state treasurer as provided in s. 66.0114 (1) (bm).

SECTION 2859. 165.87 of the statutes is created to read:

165.87 Law enforcement training fund assessment. (1) LEVY OF
ASSESSMENT. (a) Whenever a court imposes a fine or forfeiture for a violation of state
law or for a violation of a municipal or county ordinance except for a violation of s.
101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county
ordinances involving nonmoving traffic violations or safety belt use violations under
s. 347.48 (2m), there shall be imposed in addition a law enforcement training fund
assessment in an amount of 11% of the fine or forfeiture imposed. If multiple offenses
are involved, the assessment shall be based upon the total fine or forfeiture for all
offenses. When a fine or forfeiture is suspended in whole or in part, the assessment
shall be reduced in proportion to the suspension.
(b) If a fine or forfeiture is imposed by a court of record, after a determination by the court of the amount due, the clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3) (f) 2.

(c) If a fine or forfeiture is imposed by a municipal court, after a determination by the court of the amount due, the court shall collect and transmit the amount to the treasurer of the county, city, town, or village, and that treasurer shall make payment to the state treasurer as provided in s. 66.0114 (1) (bm).

(d) If any deposit of bail is made for a noncriminal offense to which this subsection applies, the person making the deposit shall also deposit a sufficient amount to include the assessment prescribed in this subsection for forfeited bail. If bail is forfeited, the amount of the assessment shall be transmitted monthly to the state treasurer under this subsection. If bail is returned, the assessment shall also be returned.

SECTION 2860. 165.90 of the statutes is repealed.

SECTION 2861. 165.92 (3) (a) of the statutes is amended to read:

165.92 (3) (a) Unless otherwise provided in a joint program plan county proposal under s. 165.90—(2) 16.964 (7) or an agreement between a political subdivision of this state and a tribe, the tribe that employs a tribal law enforcement officer is liable for all acts of the officer while acting within the scope of his or her employment and neither the state nor any political subdivision of the state may be held liable for any action of the officer taken under the authority of sub. (2) (a).

SECTION 2862. 166.03 (8) (f) of the statutes is amended to read:

166.03 (8) (f) If the total liability for worker’s compensation benefits under par. (d), indemnification under par. (e), and loss from destruction of equipment under sub.
(9), incurred in any calendar year, exceeds $1 per capita of the sponsor’s population, the state shall reimburse the sponsor for the excess. Payment shall be made from the appropriation in s. 20.465 (3) 20.865 (1) (a) on certificate of the adjutant general.

SECTION 2863. 166.20 (1) (gk) of the statutes is created to read:

166.20 (1) (gk) “Local emergency response team” means a team that the committee identifies under s. 166.21 (2m) (e).

SECTION 2864. 166.20 (1) (im) of the statutes is created to read:

166.20 (1) (im) “Regional emergency response team” means a team that the division contracts with under s. 166.215 (1).

SECTION 2865. 166.20 (2) (bm) 1. of the statutes is amended to read:

166.20 (2) (bm) 1. If a regional or local emergency response team has made a good faith effort to identify a person responsible for the emergency involving a release or potential release of a hazardous substance under s. 166.215 (3) or 166.22 (4).

SECTION 2866. 166.20 (2) (bm) 2. of the statutes is amended to read:

166.20 (2) (bm) 2. If a person responsible for the emergency involving a release or potential release of a hazardous substance under s. 166.215 (3) or 166.22 (4) is financially able or has the money or resources necessary to reimburse a regional or local emergency response team for the expenses incurred by the regional or local emergency response team in responding to the release emergency.

SECTION 2867. 166.20 (2) (bs) of the statutes is created to read:

166.20 (2) (bs) 1. Promulgate rules that establish the procedures that a regional emergency response team shall follow to determine if an emergency that requires the team’s response exists as the result of a level A release or a potential level A release.
2. Promulgate rules that establish the procedures that a local emergency response team shall follow to determine if an emergency that requires the team’s response exists as the result of a release or potential release of a hazardous substance, as defined in s. 299.01 (6).

SECTION 2868. 166.21 (2m) (e) of the statutes is amended to read:

166.21 (2m) (e) Identification of a county local emergency response team that is capable of responding to a level B release that occurs at any place in the county and whose members meet the standards for hazardous materials technicians in 29 CFR 1910.120 (q) (6) (iii) and national fire protection association standards NFPA 471 and 472.

SECTION 2869. 166.21 (2m) (f) of the statutes is amended to read:

166.21 (2m) (f) Procedures for county local emergency response team actions that are consistent with local emergency response plans developed under s. 166.20 (3) and the state contingency plan established under s. 292.11 (5).

SECTION 2870. 166.215 (1) of the statutes is amended to read:

166.215 (1) Beginning July 1, 2001, the division shall contract with no more than 9 regional emergency response teams, one of which shall be located in La Crosse County. Each regional emergency response team shall assist in the emergency response to level A releases in a region of this state designated by the division. The division shall contract with at least one regional emergency response team in each area designated under s. 166.03 (2) (b) 1. The division may only contract with a local agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional emergency response team shall meet the highest standards for a hazardous materials specialist responder in 29 CFR 1910.120 (q) (6) (iv) and national fire protection association National Fire Protection Association standards NFPA 471
and 472. Regional emergency response teams shall have at least one member that is trained in each of the appropriate specialty areas under National Fire Protection Association standard NFPA 472. Payments to regional emergency response teams under this subsection shall be made from the appropriation account under s. 20.465 (3) (dd). Regional emergency response teams that receive funding under this section shall file an annual financial report with the adjutant general in a format prescribed by the department of military affairs no later than 90 days after the end of the fiscal year of the team’s sponsoring public agency.

SECTION 2871. 166.215 (2) of the statutes is amended to read:

166.215 (2) The division shall reimburse a regional emergency response team for costs incurred by the team in responding to an emergency involving a level A release under sub. (1), or a potential level A release, if the team followed the procedures in the rules promulgated under s. 166.20 (2) (bs) 1. to determine if an emergency requiring a response existed. Reimbursement under this subsection is limited to amounts collected under sub. (3) and the amounts appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the regional emergency response team has made a good faith effort to identify the person responsible under sub. (3) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the regional emergency response team.

SECTION 2872. 166.215 (3) of the statutes is repealed and recreated to read:

166.215 (3) A person shall reimburse the division for costs incurred by a regional emergency response team in responding to an emergency if the team
followed the procedures established under s. 166.20 (2) (bs) 1. to determine if an emergency requiring the team’s response existed and if any of the following conditions applies:

(a) The person possessed or controlled a hazardous substance that was involved in the emergency.

(b) The person caused the emergency.

SECTION 2873. 166.22 (1) (a) of the statutes is repealed.

SECTION 2874. 166.22 (1) (c) of the statutes is amended to read:

166.22 (1) (c) “Local agency” means an agency of a county, city, village, or town, including a municipal police or fire department, a municipal health organization, a county office of emergency management, a county sheriff, an emergency medical service, a local emergency response team, or a public works department.

SECTION 2875. 166.22 (1) (d) of the statutes is created to read:

166.22 (1) (d) “Local emergency response team” means a team that the committee identifies under s. 166.21 (2m) (e).

SECTION 2876. 166.22 (2) of the statutes is amended to read:

166.22 (2) A person who possesses or controls a hazardous substance that is discharged released or who causes the discharge release of a hazardous substance shall take the actions necessary to protect public health and safety and prevent damage to property.

SECTION 2877. 166.22 (3) of the statutes is amended to read:

166.22 (3) If action required under sub. (2) is not being adequately taken or the identity of the person responsible for a discharge an emergency involving a release or potential release of a hazardous substance is unknown and the discharge emergency involving a release or potential release threatens public health or safety
or damage to property, a local agency may take any emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge, release, or potential release of hazardous substances established by the department of natural resources under s. 292.11 (5) and that it considers appropriate under the circumstances.

**SECTION 2878.** 166.22 (3m) of the statutes is amended to read:

166.22 (3m) The division shall reimburse a local emergency response team for costs incurred by the team in responding to an emergency involving a hazardous substance discharge under sub. (3), release, or potential release, if the team followed the procedures in the rules promulgated under s. 166.20 (2) (bs) 2. to determine if an emergency requiring the team’s response existed. Reimbursement under this subsection is limited to the amount appropriated under s. 20.465 (3) (dr). Reimbursement is available under s. 20.465 (3) (dr) only if the local emergency response team has made a good faith effort to identify the person responsible under sub. (4) and that person cannot be identified, or, if that person is identified, the team has received reimbursement from that person to the extent that the person is financially able or has determined that the person does not have adequate money or other resources to reimburse the local emergency response team.

**SECTION 2879.** 166.22 (4) of the statutes is repealed and recreated to read:

166.22 (4) (a) Except as provided in par. (b), a person shall reimburse a local agency as provided in sub. (5) for actual, reasonable, and necessary expenses incurred in responding to an emergency involving the release or potential release of a hazardous substance if any of the following conditions applies:

1. The person possessed or controlled a hazardous substance involved in the emergency.
2. The person caused the emergency.

(b) A local emergency response team may receive reimbursement under par. (a) only if the team followed the procedures established under s. 166.20 (2) (bs) 2. to determine if an emergency requiring the team’s response existed.

SECTION 2880. 166.22 (5) (am) of the statutes is amended to read:

166.22 (5) (am) A local agency seeking reimbursement under sub. (4) shall submit a claim stating its expenses to the reviewing entity for the county in which the discharge emergency occurred.

SECTION 2881. 166.22 (5) (b) of the statutes is amended to read:

166.22 (5) (b) The reviewing entity shall review claims submitted under par. (am) and determine the amount of reasonable and necessary expenses incurred. The reviewing entity shall provide a person who is liable for reimbursement under sub. (4) with a notice of the amount of expenses it has determined to be reasonable and necessary that arise from one discharge and are arose from the emergency involving the release or potential release of a hazardous substance and that were incurred by all local agencies from which the reviewing entity receives a claim.

SECTION 2882. 175.35 (2i) of the statutes is amended to read:

175.35 (2i) The department shall charge a firearms dealer an $8 a $12 fee for each firearms restrictions record search that the firearms dealer requests under sub. (2) (c). The firearms dealer may collect the fee from the transferee. The department may refuse to conduct firearms restrictions record searches for any firearms dealer who fails to pay any fee under this subsection within 30 days after billing by the department.

SECTION 2883. 177.06 (3) (b) of the statutes is amended to read:
177.06 (3) (b) Assess a service charge after December 31 of the 2nd calendar year covered in the report filed under s. 177.17 concerning that property.

**SECTION 2884.** 177.06 (4) of the statutes is amended to read:

177.06 (4) Any property described in sub. (1) that is automatically renewable is matured for purposes of sub. (1) upon the expiration of its initial time period, or after one year if the initial period is less than one year, except that in the case of any renewal to which the owner consents at or about the time of renewal by communicating in writing with the banking or financial organization or otherwise indicating consent as evidenced by a memorandum or other record on file prepared by an employee of the organization, the property is matured upon the expiration of the last time period for which consent was given or one year from the date of the last consent, whichever is longer. If, at the time provided for delivery in s. 177.19 177.17 (4) (a), a penalty or forfeiture in the payment of interest would result from the delivery of the property, the time for delivery is extended until the time when no penalty or forfeiture would result.

**SECTION 2885.** 177.10 (1) (intro.) of the statutes is amended to read:

177.10 (1) (intro.) Except as provided in subs. (2) and (5), any stock or other intangible ownership interest in a business association, the existence of which is evidenced by records available to the association, is presumed abandoned and, with respect to the interest, the association is the holder, if a dividend, distribution or other sum payable as a result of the interest has remained unclaimed by the owner for 7.5 years and the owner has not done either of the following within 7.5 years:

**SECTION 2886.** 177.10 (2) and (3) of the statutes are amended to read:

177.10 (2) At the expiration of a 7-year 5-year period following the failure of the owner to claim a dividend, distribution or other sum payable to the owner as a
result of the interest, the interest is not presumed abandoned unless there have been at least 7 5 dividends, distributions or other sums paid during the period, none of which has been claimed by the owner. If 7 5 dividends, distributions or other sums are paid during the 7−year 5−year period, the period leading to a presumption of abandonment commences on the date on which payment of the first such unclaimed dividend, distribution or other sum became due and payable. If 7 5 dividends, distributions or other sums are not paid during the presumptive period, the period continues to run until there have been 7 5 dividends, distributions or other sums that have not been claimed by the owner.

(3) The running of the 7−year 5−year period of abandonment ceases immediately upon the occurrence of a communication specified under sub. (1). If any future dividend, distribution or other sum payable to the owner as a result of the interest is subsequently not claimed by the owner, a new period of abandonment commences and relates back to the time a subsequent dividend, distribution or other sum became due and payable.

SECTION 2887. 177.10 (5) of the statutes is amended to read:

177.10 (5) This chapter does not apply to any stock or other intangible ownership interest enrolled in a plan that provides for the automatic reinvestment of dividends, distributions or other sums payable as a result of the interest unless the records available to the administrator of the plan show, with respect to any intangible ownership interest not enrolled in the reinvestment plan, that the owner has not within 7 5 years communicated in any manner specified under sub. (1).

SECTION 2888. 177.17 (title) of the statutes is amended to read:

177.17 (title) Report Reporting, payment, and delivery of abandoned property.
SECTION 2889. 177.17 (4) of the statutes is renumbered 177.17 (4) (a) 1. and amended to read:

177.17 (4) (a) 1. Before May November 1 of each even-numbered year, each holder shall file a report covering the 2 previous calendar years. On written request by any person required to file a report, the administrator may postpone the reporting date extend the deadline established in this paragraph.

SECTION 2890. 177.17 (4) (a) 2. of the statutes is created to read:

177.17 (4) (a) 2. Except as otherwise provided in this subdivision and s. 177.06 (4), upon filing the report under subd. 1., the holder shall pay or deliver to the administrator all abandoned property required to be reported. This subdivision does not apply to abandoned property that is in the form of amounts credited under s. 20.912 (1) to the support collections trust fund or amounts not distributable from the support collections trust fund to the persons for whom the amounts were awarded.

SECTION 2891. 177.18 (title) of the statutes is amended to read:

177.18 (title) Notice and publication of lists of abandoned or escheated property.

SECTION 2892. 177.18 (1) of the statutes is amended to read:

177.18 (1) The Before July 1 of each year, the administrator shall publish a notice entitled “Notice of names of persons appearing to be owners of abandoned property” not later than the September 20 following the report required under s. 177.17. Except as provided in sub. (1m), the notice shall include the name of each person identified in a report filed under s. 177.17 since the publication of the previous notice. The administrator shall publish the notice as a class 1 notice under ch. 985, in a newspaper of general circulation in the county in which is located the last-known address of the person to be named in the notice. If no address is listed
or the address is outside this state, the notice shall be published in the county in which the holder of the property has its principal place of business within this state.

**SECTION 2893.** 177.18 (2) (intro.) of the statutes is amended to read:

177.18 (2) (intro.) The published notice under sub. (1) shall contain all of the following:

**SECTION 2894.** 177.18 (2) (c) of the statutes is repealed.

**SECTION 2895.** 177.18 (2) (d) of the statutes is renumbered 177.18 (2m) and amended to read:

177.18 (2m) For money or other property received under s. 852.01 (3), 863.37 (2) or 863.39 (1), the notice shall be published at least annually in the official state newspaper and shall include the name of the decedent, the time and place of the decedent’s death, the amount paid to the administrator, the name of the decedent’s personal representative, the county in which the estate is probated and a statement that the money will be paid to the heirs or legatees without interest, on proof of ownership, if claimed within 10 years from the date of publication as provided in s. 863.39 (3).

**SECTION 2896.** 177.19 (title), (1) and (2) of the statutes are repealed.

**SECTION 2897.** 177.19 (4) of the statutes is renumbered 177.17 (4) (b) and amended to read:

177.17 (4) (b) The holder of an interest under s. 177.10 shall deliver to the administrator, upon filing the report required under this section, a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership. Upon delivery of a duplicate certificate to the administrator, the holder and any transfer agent, registrar or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate are relieved of all liability, as
provided under s. 177.20, to any person, including any person acquiring the original
certificate or the duplicate of the certificate issued to the administrator, for any loss
or damage caused by the issuance and delivery of the duplicate certificate to the
administrator.

**SECTION 2898.** 177.22 (1) of the statutes is amended to read:

177.22 (1) Except as provided in subs. (2) and (3) (4), the administrator, within
3 years after the receipt of abandoned property, shall sell it to the highest bidder at
public sale in the city, village or town in this state which, in the judgment of the
administrator, affords the most favorable market for the property. The
administrator may decline the highest bid and reoffer the property for sale if, in his
or her judgment, the bid is insufficient. If the administrator determines that the
probable cost of sale exceeds the value of the property, it need not be offered for sale.
Any sale held under this section shall be preceded by the publication of one notice,
at least 3 weeks in advance of sale, in a newspaper of general circulation in the county
in which the property is to be sold.

**SECTION 2899.** 177.22 (3) of the statutes is repealed.

**SECTION 2900.** 177.22 (4) of the statutes is amended to read:

177.22 (4) Unless the administrator determines that it is in the best interest
of this state to do otherwise, he or she shall hold all securities presumed abandoned
under s. 177.10, and delivered to the administrator, for at least 3 years one year
before selling them. If the administrator sells any securities delivered under s.
177.10 before the expiration of the 3-year period, any person making a claim under
this chapter before the end of the 3-year period is entitled either to the proceeds of
the sale of the securities or to the market value of the securities at the time the claim
is made, whichever amount is greater, less any deduction for fees under s. 177.23 (2).
A person making a claim under this chapter after the expiration of the 3-year period is entitled to receive either the securities delivered to the administrator by the holder, if the administrator still has them, or to the proceeds from their sale, less any amounts deducted under s. 177.23 (2). No person has any claim under this chapter against this state, the holder, any transfer agent, registrar or other person acting for or on behalf of a holder for any appreciation in the value of the property occurring after delivery by the holder to the administrator.

SECTION 2901. 177.23 (1) of the statutes is amended to read:

177.23 (1) Except as provided in sub. (2), the administrator shall deposit in the school fund all funds received under this chapter, including the clear proceeds from the sale of abandoned property under s. 177.22. Before making the deposit, the administrator shall record the name and last-known address of each person appearing from the holders' reports to be entitled to the property and the name and last-known address of each insured person or annuitant and beneficiary and, with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The information recorded by the administrator under this subsection is not available for inspection or copying under s. 19.35 (1) until 24 months after payment or delivery of the property is due under s. 177.19 (1) 177.17 (4) (a).

SECTION 2902. 177.24 (1) of the statutes is renumbered 177.24 (1) (a).

SECTION 2903. 177.24 (1) (b) of the statutes is created to read:

177.24 (1) (b) Any person, except another state, claiming an interest in any property that is reported to the administrator under s. 177.17 and that is in the form of amounts credited under s. 20.912 (1) to the support collections trust fund or amounts not distributable from the support collections trust fund to the persons for
whom the amounts were awarded may file a claim with the administrator, after
December 1 following the report, on a form prescribed by the administrator and
verified by the claimant.

**SECTION 2904.** 177.24 (2) of the statutes is amended to read:

177.24 (2) The administrator shall consider each claim within 90 days after it
is filed and may refer any claim to the attorney general for an opinion. For each claim
referred, the attorney general shall advise the administrator either to allow it or to
deny it in whole or in part. The administrator shall give written notice to the
claimant if the claim is denied in whole or in part. The notice may be given by
mailing it to the last address, if any, stated in the claim as the address to which
notices are to be sent. If no address for notices is stated in the claim, the notice may
shall be mailed to the last address, if any, of the claimant as stated in the claim as
the address of the claimant. No notice of denial need be given if the claim fails to state
either the last address to which notices are to be sent or the address of the claimant.

**SECTION 2905.** 177.24 (3) of the statutes is renumbered 177.24 (3) (a) and
amended to read:

177.24 (3) (a) If Except as provided in par. (b), if a claim is allowed, the
administrator shall deliver the property to the claimant or pay the claimant the
amount the administrator actually received or the net proceeds of the sale of the
property, together with any additional amount required under s. 177.21. If the claim
is for property presumed abandoned under s. 177.10 which was sold by the
administrator within 3 years after the date of delivery, the amount payable for that
claim is the value of the property at the time the claim was made or the net proceeds
of sale, whichever is greater. If the property claimed was interest bearing to the
owner on the date of surrender by the holder, the administrator shall pay interest at
a rate of 6% per year or any lesser rate the property earned while in the possession
of the holder. Interest begins to accrue when the property is delivered to the
administrator and ceases on the earlier of the expiration of 10 years after delivery
or the date on which payment is made to the owner. No interest on interest-bearing
property is payable for any period before December 31, 1984.

**Section 2906.** 177.24 (3) (b) of the statutes is created to read:

177.24 (3) (b) If the administrator allows a claim made under sub. (1) (b), the
administrator shall pay the claimant the amount reported to the administrator
under s. 177.17.

**Section 2907.** 177.24 (4) of the statutes is amended to read:

177.24 (4) Any holder who pays the owner for property that has been delivered
to this state which, if claimed from the administrator, would be subject to sub. (3) (a)
shall add interest as provided under sub. (3) (a). The added interest shall be repaid
to the holder by the administrator in the same manner as the principal.

**Section 2908.** 177.25 (1m) of the statutes is created to read:

177.25 (1m) At any time after December 1 following the reporting, under s.
177.17, of property that is in the form of amounts credited under s. 20.912 (1) to the
support collections trust fund or amounts not distributable from the support
collections trust fund to the persons for whom the amounts were awarded, another
state may recover the property under any of the circumstances described in sub. (1)
(a) to (d).

**Section 2909.** 177.25 (2) of the statutes is amended to read:

177.25 (2) The claim of another state to recover escheated or abandoned
property shall be presented in a form prescribed by the administrator, who shall
decide the claim within 90 days after it is presented. The administrator shall allow
the claim if he or she determines that the other state is entitled to the abandoned
property under sub. (1) or (1m).

SECTION 2910. 177.265 of the statutes is created to read:

177.265 Reimbursement for claims and administrative expenses. (1)
At least quarterly, the department of workforce development shall reimburse the
administrator, based on information provided by the administrator, for all of the
following:

(a) Any claims paid under ss. 177.24 to 177.26, since the last reimbursement
was made, with respect to abandoned property in the form of amounts credited under
s. 20.912 (1) to the support collections trust fund and amounts not distributable from
the support collections trust fund to the persons for whom the amounts were
awarded.

(b) Any administrative expenses specified in s. 177.23 (2) (a) to (e), incurred
since the last reimbursement was made, with respect to abandoned property in the
form of amounts credited under s. 20.912 (1) to the support collections trust fund and
amounts not distributable from the support collections trust fund to the persons for
whom the amounts were awarded.

(2) The administrator shall deposit in the general fund all moneys received
under sub. (1).

SECTION 2911. 177.35 (2) of the statutes is renumbered 177.35 (2) (a) and
amended to read:

177.35 (2) (a) An agreement entered into under this section is not enforceable
if the agreement is entered into within 24 12 months after payment or delivery of the
property is due under s. 177.19 (1) 177.17 (4) (a).

SECTION 2912. 177.35 (2) (b) of the statutes is created to read:
177.35 (2) (b) An agreement entered into under this section that relates to property that is in the form of amounts credited under s. 20.912 (1) to the support collections trust fund or amounts not distributable from the support collections trust fund to the persons for whom the amounts were awarded is not enforceable if the agreement is entered into within 12 months after December 1 following the reporting of the property under s. 177.17.

SECTION 2913. 178.48 (2) of the statutes is amended to read:

178.48 (2) The department shall collect a $10 the fee established under s. 182.01 (4) (c) each time process is served on the department under this chapter.

SECTION 2914. 178.48 (3) of the statutes is amended to read:

178.48 (3) In addition to the fees required under sub. (1), the department shall collect $25 the fee established under s. 182.01 (4) (d) for processing in an expeditious manner a document required or permitted to be filed with the department under this chapter.

SECTION 2915. 179.16 (4) of the statutes is repealed.

SECTION 2916. 179.16 (5) of the statutes is amended to read:

179.16 (5) The department shall charge and collect, for processing a document required or permitted to be filed under this chapter in an expeditious manner, or preparing the information under sub. (4) in an expeditious manner, the expedited service the fee established under s. 182.01 (4) (d) in addition to the fee required by other provisions of this chapter.

SECTION 2917. 179.88 of the statutes is amended to read:

179.88 Substituted service. Service of process on the department under this subchapter shall be made by serving of duplicate copies of the process on the department, together with a the fee of $10 established under s. 182.01 (4) (c). The
department shall mail notice of the service and a copy of the process within 10 days addressed to the foreign limited partnership at its office in the state of its organization. The time within which the foreign limited partnership may answer or move to dismiss under s. 802.06 (2) does not start to run until 10 days after the date of the mailing. The department shall keep a record of service of process under this section showing the day and hour of service and the date of mailing.

**SECTION 2918.** 180.0122 (1) (z) of the statutes is amended to read:

180.0122 (1) (z) Request for certificate or statement of status, $5 the fee established under s. 182.01 (4) (b).

**SECTION 2919.** 180.0122 (2) of the statutes is amended to read:

180.0122 (2) The department shall collect a $10 the fee established under s. 182.01 (4) (c) each time process is served on the department under this chapter. The party to a civil, criminal, administrative or investigatory proceeding causing service of process may recover this fee as costs if the party prevails in the proceeding.

**SECTION 2920.** 180.0122 (4) of the statutes is amended to read:

180.0122 (4) In addition to the fees required under sub. (1), the department shall collect the expedited service fee established under s. 182.01 (4) (d) for processing in an expeditious manner a document required or permitted to be filed under this chapter or and shall collect the fee established under s. 182.01 (4) (f) for preparing in an expeditious manner a certificate of status under s. 180.0128 (1) to (3) or a statement of status under s. 180.0128 (4).

**SECTION 2921.** 181.0122 (1) (zm) of the statutes is amended to read:

181.0122 (1) (zm) Request for certificate or statement of status, $5 or, if information other than the information provided under s. 181.0128 (2) is requested, $10 the fee established under s. 182.01 (4) (b).
SECTION 2922. 181.0122 (2) of the statutes is amended to read:

181.0122 (2) PROCESS FEE. The department shall collect a $10 fee established under s. 182.01 (4) (c) each time process is served on the department under this chapter. The party to a civil, criminal, administrative or investigatory proceeding who is causing service of process may recover this fee as costs if the party prevails in the proceeding.

SECTION 2923. 181.0122 (4) of the statutes is amended to read:

181.0122 (4) EXPEDITED SERVICE FEE. In addition to the fees required under sub. (1), the department shall collect the expedited service fee established under s. 182.01 (4) (d) for processing, in an expeditious manner, a document required or permitted to be filed under this chapter or and shall collect the fee established under s. 182.01 (4) (f) for preparing, in an expeditious manner, a certificate of status under s. 181.0128 (2) or a statement of status under s. 181.0128 (4).

SECTION 2924. 182.01 (4) of the statutes is repealed and recreated to read:

182.01 (4) PREPARATION OF COPIES, ISSUANCE OF CERTIFICATES, AND PERFORMANCE OF SERVICES. The department shall establish by rule the fees for all of the following:

(a) Providing electronic access to, or preparing and supplying copies or certified copies of, any resolution, deed, bond, record, document, or paper deposited with or kept by the department under this section.

(b) Issuing certificates or statements, in any form, relating to the results of searches of records and files of the department.

(c) Processing any service of process, notice, or demand served on the department.

(d) Processing, in an expeditious manner, a document required or permitted to be filed with the department.
(e) Providing, in an expeditious manner, electronic access to any resolution, deed, bond, record, document, or paper deposited with or kept by the department under this section.

(f) Preparing, in an expeditious manner, any copies, certified copies, certificates, or statements provided under this section.

SECTION 2925. 183.0105 (8) (c) of the statutes is amended to read:

183.0105 (8) (c) If Except as provided in par. (cm), if the address of the limited liability company’s principal office cannot be determined from the records of the department, the limited liability company may be served by publishing a class 3 notice, under ch. 985, in the community where the limited liability company’s registered office, as most recently designated in the records of the department, is located.

SECTION 2926. 183.0105 (8) (cm) of the statutes is created to read:

183.0105 (8) (cm) If a process, notice, or demand is served by the department on a limited liability company under s. 183.0911 and the address of the limited liability company’s principal office cannot be determined from the records of the department, the limited liability company may be served by publishing a class 2 notice, under ch. 985, in the official state newspaper.

SECTION 2927. 183.0114 (1) (t) of the statutes is amended to read:

183.0114 (1) (t) Request for certificate or statement of status, $5 the fee established under s. 182.01 (4) (b).

SECTION 2928. 183.0114 (1) (u) of the statutes is amended to read:

183.0114 (1) (u) Processing in an expeditious manner a document required or permitted to be filed under this chapter, or preparing in an expeditious manner a certificate or statement of status, $25 the fee established under s. 182.01 (4) (d).
**SECTION 2929.** 183.0910 of the statutes is created to read:

183.0910 **Grounds for administrative dissolution.** The department may bring a proceeding under s. 183.0911 to administratively dissolve a limited liability company if any of the following occurs:

(1) The limited liability company does not pay, within one year after they are due, any fees or penalties due the department under this chapter.

(3) The limited liability company is without a registered agent or registered office in this state for at least one year.

(4) The limited liability company does not notify the department within one year that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

**SECTION 2930.** 183.0911 of the statutes is created to read:

183.0911 **Procedure for and effect of administrative dissolution.** (1) If the department determines that one or more grounds exist under s. 183.0910 for dissolving a limited liability company, the department shall serve the limited liability company under s. 183.0105 (8) with written notice of the determination.

(2) (a) Within 60 days after service of the notice is perfected under s. 183.0105 (8), the limited liability company shall correct each ground for dissolution or demonstrate to the reasonable satisfaction of the department that each ground determined by the department does not exist.

(b) If the limited liability company fails to satisfy par. (a), the department shall administratively dissolve the limited liability company by issuing a certificate of dissolution that recites each ground for dissolution and the effective date of dissolution. The department shall file the original of the certificate and serve a copy on the limited liability company under s. 183.0105 (8).
(3) Sections 183.0903 to 183.0905 and 183.0907 to 183.0909 apply to a limited liability company that is administratively dissolved.

(4) A limited liability company’s right to the exclusive use of its company name terminates on the effective date of its administrative dissolution.

SECTION 2931. 183.0912 of the statutes is created to read:

183.0912 Reinstatement following administrative dissolution.  (1) A limited liability company that is administratively dissolved may apply to the department for reinstatement. The application shall include all of the following:

(a) The name of the limited liability company and the effective date of its administrative dissolution.

(b) A statement that each ground for dissolution either did not exist or has been cured.

(c) A statement that the limited liability company’s name satisfies s. 183.0103.

(2) (a) The department shall cancel the certificate of dissolution and issue a certificate of reinstatement that complies with par. (b) if the department determines all of the following:

1. That the application contains the information required by sub. (1) and the information is correct.

2. That all fees and penalties owed by the limited liability company to the department under this chapter have been paid.

(b) The certificate of reinstatement shall state the department’s determination under par. (a) and the effective date of reinstatement. The department shall file the certificate and provide a copy to the limited liability company or its representative.

(3) When the reinstatement becomes effective, it shall relate back to and take effect as of the effective date of the administrative dissolution, and the limited
liability company may resume carrying on its business as if the administrative dissolution had never occurred.

SECTION 2932. 183.0913 of the statutes is created to read:

183.0913 Appeal from denial of reinstatement. (1) If the department denies a limited liability company’s application for reinstatement under s. 183.0912, the department shall serve the limited liability company under s. 183.0105 (8) with a written notice that explains each reason for denial.

(2) The limited liability company may appeal the denial of reinstatement to the circuit court for the county where the limited liability company’s principal office or, if none in this state, its registered office is located, within 30 days after service of the notice of denial is perfected. The limited liability company shall appeal by petitioning the court to set aside the dissolution and attaching to the petition copies of the department’s certificate of dissolution, the limited liability company’s application for reinstatement, and the department’s notice of denial.

(3) The court may order the department to reinstate the dissolved limited liability company or may take other action that the court considers appropriate.

(4) The court’s final decision may be appealed as in other civil proceedings.

SECTION 2933. 185.83 (1) (d) of the statutes is amended to read:

185.83 (1) (d) Receiving services of any process, notice or demand, authorized to be served on the department by this chapter, $10 the fee established under s. 182.01 (4) (c).

SECTION 2934. 185.83 (1) (f) of the statutes is repealed.

SECTION 2935. 185.83 (1) (fm) of the statutes is repealed.

SECTION 2936. 185.83 (1) (h) of the statutes is amended to read:
185.83 (1) (h) Processing a document required or permitted to be filed or recorded under this chapter in an expeditious manner, or preparing the information under par. (f) or (fm) in an expeditious manner, $25 the fee established under s. 182.01 (4) (d) in addition to the fee required by other provisions of this chapter.

**SECTION 2937.** 186.01 (2) of the statutes is amended to read:

186.01 (2) “Credit union” means, except as specifically provided under ss. 186.41 (1) and 186.45 (1), a cooperative, nonprofit corporation, incorporated under this chapter to encourage thrift among its members, create a source of credit at a fair and reasonable cost, and provide an opportunity for its members to improve their economic and social conditions.

**SECTION 2938.** 186.02 (2) (a) 1. of the statutes is amended to read:

186.02 (2) (a) 1. The conditions of residence or occupation which qualify persons that determine eligibility for membership.

**SECTION 2939.** 186.02 (2) (b) 2. of the statutes is amended to read:

186.02 (2) (b) 2. Residents Except as otherwise provided in this subdivision, individuals who reside or are employed within a well-defined neighborhood, community or rural district and contiguous neighborhoods and communities. If the office of credit unions, subsequent to a credit union merger, determines that it would be inappropriate under the circumstances to require members of the credit union that results from the merger to reside or be employed in contiguous neighborhoods and communities, the requirement that these neighborhoods and communities be contiguous does not apply.

**SECTION 2940.** 186.02 (2) (b) 2m. of the statutes is created to read:

186.02 (2) (b) 2m. Individuals who reside or are employed within well-defined and contiguous rural districts or multicounty regions.
Section 2941. 186.02 (2) (c) of the statutes is amended to read:

186.02 (2) (c) Members of the immediate family of all qualified persons are eligible for membership. In this paragraph, “members of the immediate family” include the wife, husband, parents, stepchildren and children of a member whether living together in the same household or not and any other relatives of the member or spouse of a member living together in the same household as the member.

Section 2942. 186.02 (2) (d) of the statutes is renumbered 186.02 (2) (d) 1. and amended to read:

186.02 (2) (d) 1. Organizations and associations An organization or association of individuals, the majority of whom the directors, owners, or members of which are eligible for membership, may be admitted to membership in the same manner and under the same conditions as individuals.

Section 2943. 186.02 (2) (d) 2. of the statutes is created to read:

186.02 (2) (d) 2. An organization or association that has its principal business location within any geographic limits of the credit union’s field of membership may be admitted to membership.

Section 2944. 186.11 (4) (title) of the statutes is amended to read:

186.11 (4) (title) Investment in credit union service corporations.

Section 2945. 186.11 (4) (a) of the statutes is renumbered 186.11 (4) (a) (intro.) and amended to read:

186.11 (4) (a) (intro.) A. Unless the office of credit unions approves a higher percentage, a credit union may invest not more than 1.5% of its total assets in the capital shares or obligations of a credit union service corporation organizations that satisfy all of the following:
2. Are organized primarily to provide goods and services to credit unions, credit union organizations, and credit union members.

SECTION 2946. 186.11 (4) (a) 1. of the statutes is created to read:

186.11 (4) (a) 1. Are corporations, limited partnerships, limited liability companies, or other entities that are permitted under the laws of this state and that are approved by the office of credit unions.

SECTION 2947. 186.11 (4) (b) (intro.) and 1. of the statutes are amended to read:

186.11 (4) (b) (intro.) A credit union service corporation organization under par. (a) may provide goods and services including any of the following:

1. Credit union operations services, including service centers, credit and debit card services, automated teller and remote terminal services, electronic transaction services, accounting systems, data processing, management training and support, payment item processing, record retention and storage, locator services, research, debt collection, credit analysis and loan servicing, coin and currency services, and marketing and advertising services.

SECTION 2948. 186.11 (4) (c) of the statutes is amended to read:

186.11 (4) (c) A credit union service corporation organization may be subject to audit by the office of credit unions.

SECTION 2949. 186.113 (1) of the statutes is amended to read:

186.113 (1) Branch offices. If the need and necessity exist and with the approval of the office of credit unions, establish branch offices inside this state or no more than 25 miles or outside of this state. Permanent records may be maintained at branch offices established under this subsection. In this subsection, the term “branch office” does not include a remote terminal, a limited services office, or a service center.
SECTION 2950. 186.113 (1m) (a) (intro.) of the statutes is amended to read:

186.113 (1m) (a) (intro.) Establish Before the effective date of this paragraph .... [revisor inserts date], establish limited services offices outside this state to serve any member of the credit union if all of the following requirements are met:

SECTION 2951. 186.113 (6) (b) and (c) of the statutes are amended to read:

186.113 (6) (b) Act as trustees or custodians of member tax deferred retirement funds, individual retirement accounts, medical savings accounts, or other employee benefit accounts or funds permitted by federal law to be deposited in a credit union.

(c) Act as a depository for member–deferred member qualified and nonqualified deferred compensation funds as permitted by federal law.

SECTION 2952. 186.113 (24) of the statutes is created to read:

186.113 (24) FUNERAL TRUSTS. Accept deposits made by members for the purpose of funding burial agreements by trusts created pursuant to s. 445.125.

SECTION 2953. 186.20 of the statutes is created to read:

186.20 Financial privacy. A credit union shall comply with any applicable requirements under 15 USC 6801 to 6803 and any applicable regulations prescribed by the national credit union administration under 15 USC 6804.

SECTION 2954. 186.235 (7) (a) (intro.) of the statutes is amended to read:

186.235 (7) (a) (intro.) Employees of the office of credit unions and members of the review board shall keep secret all the facts and information obtained in the course of examinations, except or contained in any report provided by a credit union other than any semiannual or quarterly financial report that is regularly filed with the office of credit unions. This requirement does not apply in any of the following situations:

SECTION 2955. 186.235 (7) (c) of the statutes is created to read:
186.235 (7) (c) If any person mentioned in par. (a) discloses any information about the private account or transactions of a credit union or any information obtained in the course of an examination of a credit union, except as provided in pars. (a) and (b), that person may be required to forfeit his or her office or position and may be fined not less than $100 nor more than $1,000, or imprisoned for not less than 6 months nor more than 3 years, or both.

Section 2956. 186.235 (7m) of the statutes is created to read:

186.235 (7m) Return of examination reports. Examination reports possessed by a credit union are confidential, remain the property of the office of credit unions, and shall be returned to the office of credit unions immediately upon request.

Section 2957. 186.235 (16) (a) of the statutes is renumbered 186.235 (16).

Section 2958. 186.235 (16) (b) of the statutes is repealed.

Section 2959. 186.235 (16m) of the statutes is created to read:

186.235 (16m) Financial privacy examination. The office of credit unions shall examine a credit union to determine the credit union’s compliance with s. 186.20.

Section 2960. 186.36 of the statutes is amended to read:

186.36 Sale of insurance in credit unions. Any officer or employee of a credit union, when acting as an agent for the sale of insurance on behalf of the credit union, shall pay all commissions received from the sale of credit life insurance or credit accident and sickness insurance to the credit union.

Section 2961. 186.41 (title) of the statutes is amended to read:

186.41 (title) Interstate acquisition acquisitions and merger mergers of credit unions.

Section 2962. 186.41 (1) (a) of the statutes is renumbered 186.41 (1) (bm) and amended to read:
186.41 (1) (bm) “In-state Wisconsin credit union” means a credit union having
its principal office located in this state.

SECTION 2963. 186.41 (1) (c) of the statutes is renumbered 186.41 (1) (am) and
amended to read:

186.41 (1) (am) “Regional Out-of-state credit union” means a state or federal
credit union that has its principal office located in one of the regional
states a state other than this state.

SECTION 2964. 186.41 (1) (d) of the statutes is repealed.

SECTION 2965. 186.41 (2) and (3) of the statutes are amended to read:

186.41 (2) IN-STATE WISCONSIN CREDIT UNION. (a) An in-state A Wisconsin credit
union may do any of the following:

1. Acquire an interest in, or some or all of the assets and liabilities of, one or
more regional out-of-state credit unions.

2. Merge with one or more regional out-of-state credit unions.

(b) An in-state A Wisconsin credit union proposing any action under par. (a)
shall provide the office of credit unions a copy of any original application seeking
approval by a federal agency or by an agency of the regional another state and of any
supplemental material or amendments filed in connection with any application.

(3) REGIONAL OUT-OF-STATE CREDIT UNIONS. Except as provided in sub. (4), a
regional an out-of-state credit union may do any of the following:

(a) Acquire an interest in, or some or all of the assets of, one or more in-state
Wisconsin credit unions.

(b) Merge with one or more in-state Wisconsin credit unions.

SECTION 2966. 186.41 (4) (intro.), (a) to (d) and (f) of the statutes are amended
to read:
186.41 (4) LIMITATIONS. (intro.) A regional An out-of-state credit union may not take any action under sub. (3) until all of the following conditions have been met:

(a) The office of credit unions finds that the statutes of the regional state in which the regional out-of-state credit union has its principal office permit in-state Wisconsin credit unions to both acquire regional out-of-state credit union assets and merge with one or more regional out-of-state credit unions in the regional that state.

(b) The office of credit unions has not disapproved the acquisition of in-state Wisconsin credit union assets or the merger with the in-state Wisconsin credit union under sub. (5).

(c) The office of credit unions gives a class 3 notice, under ch. 985, in the official state newspaper, of the application to take an action under sub. (3) and of the opportunity for a hearing and, if at least 25 residents of this state petition for a hearing within 30 days of the final notice or if the office of credit unions on its own motion calls for a hearing within 30 days of the final notice, the office of credit unions holds a public hearing on the application, except that a hearing is not required if the office of credit unions finds that an emergency exists and that the proposed action under sub. (3) is necessary and appropriate to prevent the probable failure of an in-state a Wisconsin credit union that is closed or in danger of closing.

(d) The office of credit unions is provided a copy of any original application seeking approval by a federal agency of the acquisition of in-state Wisconsin credit union assets or of the merger with an in-state a Wisconsin credit union and of any supplemental material or amendments filed with the application.

(f) With regard to an acquisition of assets of an in-state a Wisconsin credit union that is chartered on or after May 9, 1986, the in-state Wisconsin credit union has been in existence for at least 5 years before the date of acquisition.
This page contains a legislative text amendment to the statutes. The amendments include:

**Section 2967.** 186.41 (5) (a), (b), (c) and (cr) of the statutes are amended to read:

186.41 (5) (a) Considering the financial and managerial resources and future prospects of the applicant and of the in-state Wisconsin credit union concerned, the action would be contrary to the best interests of the members of the in-state Wisconsin credit union.

(b) The action would be detrimental to the safety and soundness of the applicant or of the in-state Wisconsin credit union concerned, or to a subsidiary or affiliate of the applicant or of the in-state Wisconsin credit union.

(c) Because the applicant, its executive officers, or directors have not established a record of sound performance, efficient management, financial responsibility, and integrity, the action would be contrary to the best interests of the creditors, the members or the other customers of the applicant or of the in-state Wisconsin credit union, or contrary to the best interests of the public.

(cr) The applicant has failed to propose to provide adequate and appropriate services of the type contemplated by the community reinvestment act of 1977 in the community in which the in-state Wisconsin credit union which the applicant proposes to acquire or merge with is located.

**Section 2968.** 186.41 (6) (a) of the statutes is renumbered 186.41 (6).

**Section 2969.** 186.41 (6) (b) of the statutes is repealed.

**Section 2970.** 186.41 (8) of the statutes is repealed.

**Section 2971.** 186.45 of the statutes is created to read:

186.45 Non-Wisconsin credit union, Wisconsin offices. (1) **Definitions.**

In this section:
(a) “Non-Wisconsin credit union” means a credit union organized under the laws of and with its principal office located in a state other than this state.

(b) “Wisconsin credit union” has the meaning given in s. 186.41 (1) (bm).

(2) APPROVAL. A non-Wisconsin credit union may open an office and conduct business as a credit union in this state if the office of credit unions finds that Wisconsin credit unions are allowed to do business in the other state under conditions similar to those contained in this section and that all of the following apply to the non-Wisconsin credit union:

(a) It is a credit union organized under laws similar to the credit union laws of this state.

(b) It is financially solvent based upon national board ratings.

(c) It has member savings insured with federal share insurance.

(d) It is effectively examined and supervised by the credit union authorities of the state in which it is organized.

(e) It has received approval from the credit union authorities of the state in which it is organized.

(f) It has a need to place an office in this state to adequately serve its members in this state.

(g) It meets all other relevant standards or qualifications established by the office of credit unions.

(3) REQUIREMENTS. A non-Wisconsin credit union shall agree to do all of the following:

(a) Grant loans at rates not in excess of the rates permitted for Wisconsin credit unions.

(b) Comply with this state’s laws.
(c) Designate and maintain an agent for the service of process in this state.

(4) RECORDS. As a condition of a non-Wisconsin credit union doing business in this state under this section, the office of credit unions may require copies of examination reports and related correspondence regarding the non-Wisconsin credit union.

SECTION 2972. 186.80 of the statutes is created to read:

186.80 False statements. (a) No officer, director, or employee of a credit union may do any of the following:

1. Willfully and knowingly subscribe to or make, or cause to be made, a false statement or entry in the books of the credit union.

2. Knowingly subscribe to or exhibit false information with the intent to deceive any person authorized to examine the affairs of the credit union.

3. Knowingly make, state, or publish any false report or statement of the credit union.

(b) Any person who violates par. (a) may be fined not less than $1,000 nor more than $5,000, or imprisoned for not less than one year nor more than 15 years, or both.

SECTION 2973. 196.01 (3n) of the statutes is repealed.

SECTION 2974. 196.01 (3p) of the statutes is repealed.

SECTION 2975. 196.01 (3q) of the statutes is renumbered 101.91 (6m) and amended to read:

101.91 (6m) “Mobile Manufactured home park contractor” means a person, other than a public utility, as defined in s. 196.01 (5) (a), who, under a contract with a mobile manufactured home park operator, provides water or sewer service to a mobile manufactured home park occupant or performs a service related to providing water or sewer service to a mobile manufactured home park occupant.
SECTION 2976. 196.01 (3s) of the statutes is renumbered 101.91 (7) and amended to read:

101.91 (7) “Mobile Manufactured home park occupant” means a person who rents or owns a mobile manufactured home in a mobile manufactured home park.

SECTION 2977. 196.01 (3t) of the statutes is renumbered 101.91 (8) and amended to read:

101.91 (8) “Mobile Manufactured home park operator” means a person engaged in the business of owning or managing a mobile manufactured home park.

SECTION 2978. 196.07 (2) of the statutes is amended to read:

196.07 (2) If a public utility fails to file a report with the commission containing its balance sheet and other information prescribed by the commission by the date the report is due under sub. (1), the commission may prepare the report from the records of the public utility. All expenses of the commission in preparing the report, plus a penalty equal to 50% of the amount of the expenses, shall be assessed against and collected from the public utility under s. 196.85. The amount of the charge to a public utility shall not be limited by s. 196.85 (1) (b) and shall be in addition to any other charges assessable under s. 196.85. The penalty provision of the charge shall be credited to the general fund under s. 20.906.

SECTION 2979. 196.195 (12) (b) 1. d. of the statutes is repealed.

SECTION 2980. 196.196 (1) (cm) of the statutes is repealed.

SECTION 2981. 196.196 (5) (b) 6. of the statutes is repealed.

SECTION 2982. 196.218 (5) (a) 5. of the statutes is amended to read:

196.218 (5) (a) 5. To pay costs incurred under contracts under s. 16.974 (7) to the extent that these costs are not paid under s. 44.73 (2) (d), except that no moneys in the universal service fund may be used to pay installation costs that are necessary
for a political subdivision to obtain access to bandwidth under a shared service
agreement under s. 44.73 (2r) (a).

SECTION 2983. 196.218 (5) (a) 6. of the statutes is amended to read:

196.218 (5) (a) 6. To pay the department of administration electronic
government for telecommunications services provided under s. 16.973 22.05 (1) to
the campuses of the University of Wisconsin System at River Falls, Stout, Superior
and Whitewater.

SECTION 2984. 196.218 (5r) (a) 4. of the statutes is amended to read:

196.218 (5r) (a) 4. An assessment of how successful investments identified in
s. 196.196 (5) (f), assistance provided by the universal service fund or the Wisconsin
advanced telecommunications foundation, and price regulation and other
alternative incentive regulations of telecommunications utilities designed to
promote competition have been in advancing the public interest goals identified
under s. 196.03 (6), and recommendations for further advancing those goals.

SECTION 2985. 196.219 (4) (a) of the statutes is amended to read:

196.219 (4) (a) On the commission’s own motion or upon complaint filed by the
consumer, the commission, in its own name or on behalf of consumers, shall have
jurisdiction to take administrative action, including initiating a contested case, or to
commence civil actions against telecommunications utilities or providers to enforce
this section.

SECTION 2986. 196.219 (4) (b) of the statutes is amended to read:

196.219 (4) (b) The commission, in its own name or on behalf of consumers,
may, at its discretion, take administrative action, including initiating a contested
case, or institute in any court of competent jurisdiction a proceeding against a
telecommunications utility or provider for injunctive relief, to compel compliance
with this section, to compel the accounting and refund of any moneys collected in violation of this section, or for any other appropriate relief permitted under this chapter. The commission may directly impose forfeitures for violations of this section.

**Section 2987.** 196.219 (4m) (b) of the statutes is amended to read:

196.219 (4m) (b) Upon request of the commission, the attorney general may take administrative action, including initiating a contested case, or bring an action to require a telecommunications utility or provider to compensate any person for any pecuniary loss caused by the failure of the utility or provider to comply with this section. **Upon the request of the commission, the attorney general may bring an action specified in this paragraph.**

**Section 2988.** 196.22 of the statutes is amended to read:

**196.22 Discrimination forbidden.** No public utility may charge, demand, collect, or receive more or less compensation for any service performed by it within the state, or for any service in connection therewith, than is specified in the schedules for the service filed under s. 196.19, including schedules of joint rates, as may at the time be in force, or demand, collect, or receive any rate, toll, or charge not specified in the schedule. **Payments made for violations of this chapter by telecommunications providers are not contrary to this section.**

**Section 2989.** 196.26 (1) (a) of the statutes is amended to read:

196.26 (1) (a) A complaint filed with the commission that any rate, toll, charge, or schedule, joint rate, regulation, measurement, act, or practice relating to the provision of heat, light, water, power, or telecommunications service, or to the provision of water or sewer service by a mobile home park operator or mobile home
park contractor, is unreasonable, inadequate, unjustly discriminatory, or cannot be obtained.

SECTION 2990. 196.26 (1m) of the statutes is amended to read:

196.26 (1m) INVESTIGATION OF COMPLAINT. If any mercantile, agricultural, or manufacturing society, body politic, municipal organization, or 25 persons file a complaint specified in sub. (1) (a) against a public utility, or if the commission terminates a proceeding on a complaint under s. 196.199 (3) (a) 1m. b., or if a person files a complaint specified in sub. (1) (c), the commission, with or without notice, may investigate the complaint under this section as it considers necessary. If the mobile home park occupants of 25% of the total number of mobile homes in a mobile home park or the mobile home park occupants of 25 mobile homes in a mobile home park, whichever is less, files a complaint specified in sub. (1) (a) against a mobile home park contractor or mobile home park operator, the commission, with or without notice, may investigate the complaint as it considers necessary. The commission may not issue an order based on an investigation under this subsection without a public hearing.

SECTION 2991. 196.26 (2) (a) of the statutes is amended to read:

196.26 (2) (a) Prior to a hearing under this section, the commission shall notify the public utility, mobile home park contractor, mobile home park operator or party to an interconnection agreement complained of that a complaint has been made, and 10 days after the notice has been given the commission may proceed to set a time and place for a hearing and an investigation. This paragraph does not apply to a complaint specified in sub. (1) (b).

SECTION 2992. 196.26 (2) (b) of the statutes is amended to read:
196.26 (2) (b) The commission shall give the complainant and either the public utility, mobile home park contractor, mobile home park operator or party to an interconnection agreement which is the subject of a complaint specified in sub. (1) (a) or (c) or, for a complaint specified in sub. (1) (b), a party to an interconnection agreement who is identified in a notice under s. 196.199 (3) (b) 1. b., 10 days' notice of the time and place of the hearing and the matter to be considered and determined at the hearing. The complainant and either the public utility, mobile home park contractor, mobile home park operator or party to the interconnection agreement may be heard. The commission may subpoena any witness at the request of the public utility, mobile home park contractor, mobile home park operator, party to the interconnection agreement, or complainant.

**SECTION 2993.** 196.28 (1) of the statutes is amended to read:

196.28 (1) If the commission believes that any rate or charge is unreasonable or unjustly discriminatory or that any service is inadequate or cannot be obtained or that an investigation of any matter relating to any public utility or to any provision of water or sewer service by a mobile home park operator or mobile home park contractor should for any reason be made, the commission on its own motion summarily may investigate with or without notice.

**SECTION 2994.** 196.28 (3) of the statutes is amended to read:

196.28 (3) Notice of the time and place for a hearing under sub. (2) shall be given to the public utility, mobile home park contractor or mobile home park operator, and to such other interested persons as the commission considers necessary. After the notice has been given, proceedings shall be had and conducted in reference to the matter investigated as if a complaint specified in s. 196.26 (1) (a) had been filed with the commission relative to the matter investigated. The same
order or orders may be made in reference to the matter as if the investigation had
been made on complaint under s. 196.26.

SECTION 2995. 196.37 (1) of the statutes is amended to read:

196.37 (1) If, after an investigation under this chapter or ch. 197, the
commission finds rates, tolls, charges, schedules, or joint rates to be unjust,
unreasonable, insufficient, or unjustly discriminatory or preferential, or otherwise
unreasonable or unlawful, the commission shall determine and order reasonable
rates, tolls, charges, schedules, or joint rates to be imposed, observed, and followed
in the future and, with respect to rates, tolls, charges, schedules, or joint rates of
telecommunications providers, may determine and order reasonable compensation
for persons injured by reason of such rates, tolls, charges, schedules, or joint rates.

SECTION 2996. 196.374 (1) (b) of the statutes is repealed.

SECTION 2997. 196.374 (3) of the statutes is amended to read:

196.374 (3) In Except as provided in sub. (3m), in 2000, 2001 and 2002, the
commission shall require each utility to spend a decreasing portion of the amount
determined under sub. (2) on programs specified in sub. (2) and contribute the
remaining portion of the amount to the commission for deposit in the utility public
benefits fund. In Except as provided in sub. (3m), in each year after 2002, each utility
shall contribute the entire amount determined under sub. (2) to the commission for
deposit in the utility public benefits fund. The commission shall ensure in
rate-making orders that a utility recovers from its ratepayers the amounts spent on
programs or contributed to the utility public benefits fund under this subsection or
deposited into the farm rewiring fund under sub. (3m). The commission shall allow
each utility the option of continuing to use, until January 1, 2002, the moneys that
it has recovered under s. 196.374 (3), 1997 stats., to administer the programs that
it has funded under s. 196.374 (1), 1997 stats. The commission may allow each utility
to spend additional moneys on the programs specified in sub. (2) if the utility
otherwise complies with the requirements of this section and s. 16.957 (4).

**SECTION 2998.** 196.374 (3m) of the statutes is created to read:

196.374 (3m) In fiscal year 2001-02, the first $1,500,000 that is contributed
under sub. (3) in that fiscal year shall be deposited in the farm rewiring fund. In
fiscal year 2002-03, the first $2,500,000 that is contributed under sub. (3) in that
fiscal year shall be deposited in the farm rewiring fund.

**SECTION 2999.** 196.374 (4) of the statutes is amended to read:

196.374 (4) If the department notifies the commission under s. 16.957 (2) (b)
2. that the department has reduced funding for energy conservation and efficiency
and renewable resource programs by an amount that is greater than the portion of
the public benefits fee specified in s. 16.957 (4) (c) 2., the commission shall reduce the
amount that utilities are required to spend on programs or contribute to the utility
public benefits fund under sub. (3) by the portion of the reduction that exceeds the
amount of public benefits fees specified in s. 16.957 (4) (c) 2.

**SECTION 3000.** 196.44 (1) of the statutes is renumbered 196.44 (1) (a).

**SECTION 3001.** 196.44 (1) (b) of the statutes is created to read:

196.44 (1) (b) The commission may take administrative action and institute
and prosecute all necessary actions or proceedings for the enforcement of all laws
relating to telecommunications providers and for the punishment of all violations.

**SECTION 3002.** 196.498 (title) of the statutes is repealed.

**SECTION 3003.** 196.498 (2) of the statutes is renumbered 101.937 (1) and
amended to read:
101.937 (1) RULES. The commission department shall promulgate rules that establish standards for providing water or sewer service by a mobile manufactured home park operator or mobile manufactured home park contractor to a mobile manufactured home park occupant, including requirements for metering, billing, deposits, depositing, arranging deferred payment arrangements, installation of, installing service, refusing or discontinuing service, and resolving disputes with respect to service. Rules promulgated under this subsection shall ensure that any charge for water or sewer service is reasonable and not unjustly discriminatory, that the water or sewer service is reasonably adequate, and that any practice relating to providing the service is just and reasonable.

SECTION 3004. 196.498 (3) of the statutes is renumbered 101.937 (2) and amended to read:

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

SECTION 3005. 196.498 (4) of the statutes is renumbered 101.937 (3) and amended to read:

101.937 (3) ENFORCEMENT. (a) Notwithstanding s. 196.44, on its own motion or upon a complaint filed by a mobile manufactured home park occupant, the commission department may issue an order or commence a civil action against a mobile manufactured home park operator or mobile manufactured home park contractor to enforce this section, any rule promulgated under sub. (2) (1), or any order issued under this paragraph.
(b) The department of justice, after consulting with the commission department, or any district attorney may commence an action in circuit court to enforce this section.

SECTION 3006. 196.498 (5) of the statutes is renumbered 101.937 (4) and amended to read:

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

SECTION 3007. 196.498 (6) of the statutes is renumbered 101.937 (5) and amended to read:

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

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

SECTION 3008. 196.499 (12) (am) of the statutes is created to read:

196.499 (12) (am) The commission may take administrative action and institute and prosecute all necessary actions or proceedings for the enforcement of all laws relating to telecommunications carriers and for the punishment of all violations.
SECTION 3009. 196.64 (3) of the statutes is created to read:

196.64 (3) This section does not apply to damages resulting from stray voltage.

SECTION 3010. 196.66 (1) of the statutes is amended to read:

196.66 (1) General forfeiture; failure to obey. If any public utility violates this chapter or ch. 197 or fails or refuses to perform any duty enjoined upon it for which a penalty has not been provided, or fails, neglects, or refuses to obey any lawful requirement or order of the commission or the governing body of a municipality or a sanitary commission or any judgment or decree of any court upon its application, for every violation, failure, or refusal the public utility shall forfeit not less than $25 nor more than $5,000. The commission may impose a forfeiture against a telecommunications provider under this section by administrative action.

SECTION 3011. 196.66 (3) (b) (intro.) of the statutes is amended to read:

196.66 (3) (b) (intro.) The commission or a court imposing a forfeiture on a public utility or telecommunications provider or an agent, director, officer, or employee of a public utility or telecommunications provider under this chapter shall consider all of the following in determining the amount of the forfeiture:

SECTION 3012. 196.85 (1) of the statutes is renumbered 196.85 (1) (a) and amended to read:

196.85 (1) (a) If the commission in a proceeding upon its own motion, on complaint, or upon an application to it deems it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any public utility, power district, or sewerage system or to render any engineering or accounting services to any public utility, power district, or sewerage system, the public utility, power district, or sewerage system shall pay the expenses attributable to the investigation, including
the cost of litigation, appraisal, or service. The commission shall mail a bill for the expenses to the public utility, power district, or sewerage system either at the conclusion of the investigation, appraisal, or services, or during its progress. The bill constitutes notice of the assessment and demand of payment. The public utility, power district, or sewerage system shall, within 30 days after the mailing of the bill, pay to the commission the amount of the special expense for which it is billed. Ninety percent of the payment shall be credited to the appropriation account under s. 20.155 (1) (g).

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

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

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

Section 3013. 196.85 (1m) (a) of the statutes is amended to read:

196.85 (1m) (a) For the purpose of direct assessment under sub. (1) of expenses incurred by the commission in connection with its activities under s. 196.491, the term “public utility” includes electric utilities, as defined in s. 196.491 (1) (d).
Subsection (1) (b) does not apply to assessments for the commission’s activities under s. 196.491 related to the construction of wholesale merchant plants.

**SECTION 3014.** 196.85 (2g) of the statutes is renumbered 101.937 (6) (a) and amended to read:

101.937 (6) (a) The commission department shall annually, within 90 days after the commencement of each fiscal year, assess against mobile manufactured home park operators the total amount appropriated under s. 20.155 (1) 20.143 (3) (i).

The commission department shall assess each mobile manufactured home park operator an amount in proportion to the total number of mobile manufactured homes in all mobile manufactured home parks owned or managed by the mobile manufactured home park operator on July 1 of the current fiscal year as a fraction of the total number of mobile manufactured homes in all mobile manufactured home parks in this state on July 1 of the current fiscal year. If necessary, the commission department shall adjust the amount assessed to correct any incorrect assessment that was made in a prior fiscal year. A mobile manufactured home park operator shall pay the assessment within 30 days after the commission department mails the bill to the mobile manufactured home park operator. The bill constitutes notice of the assessment and demand for payment. Payments shall be credited to the the appropriation account under s. 20.155 (1) 20.143 (3) (i).

**SECTION 3015.** 196.85 (3) of the statutes is amended to read:

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

**SECTION 3016.** 196.85 (4) (a) of the statutes is amended to read:

196.85 (4) (a) Within 30 days after the date of the mailing of any bill under sub. (1), (2), or (2e) or (2g), the public utility, sewerage system, joint local water authority, mobile home park operator or power district that has been billed may file with the commission objections setting out in detail the grounds upon which the objector regards the bill to be excessive, erroneous, unlawful, or invalid. The commission, after notice to the objector, shall hold a hearing upon the objections, from 5 to 10 days after providing the notice. If after the hearing the commission finds any part of the bill to be excessive, erroneous, unlawful, or invalid it shall record its findings upon its minutes and transmit to the objector by registered mail an amended bill, in accordance with the findings. The amended bill shall have the same force and effect under this section as an original bill rendered under sub. (1), (2), or (2e) or (2g).

**SECTION 3017.** 196.85 (5) of the statutes is amended to read:
196.85 (5) No suit or proceeding may be maintained in any court to restrain or
delay the collection or payment of any bill rendered under sub. (1), (2), or (2e) or (2g).
Every public utility, sewerage system, joint local water authority, mobile home park
operator or power district that is billed shall pay the amount of the bill, and after
payment may in the manner provided under this section, at any time within 2 years
from the date the payment was made, sue the state to recover the amount paid plus
interest from the date of payment, upon the ground that the assessment was
excessive, erroneous, unlawful, or invalid in whole or in part. If the court finds that
any part of the bill for which payment was made was excessive, erroneous, unlawful,
or invalid, the state treasurer shall make a refund to the claimant as directed by the
court. The refund shall be charged to the appropriations to the commission.

Section 3018. 196.858 (1) of the statutes is amended to read:

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

Section 3019. 196.858 (2) of the statutes is amended to read:

196.858 (2) The commission shall assess a sum equal to the annual total
amount under sub. (1) to local exchange and interexchange telecommunications
utilities in proportion to their gross operating revenues during the last calendar year.
If total expenditures for telephone relay service exceeded the payment made under
this section in the prior year, the commission shall charge the remainder to assessed
telecommunications utilities in proportion to their gross operating revenues during
the last calendar year. A telecommunications utility shall pay the assessment within
30 days after the bill has been mailed to the assessed telecommunication utility. The
bill constitutes notice of the assessment and demand of payment. Payments shall be credited to the appropriation account under s. 20.505 (4) (is) 20.530 (1) (ir).

**SECTION 3020.** 198.14 (4) of the statutes is amended to read:

198.14 (4) PURCHASES, SALES, CONVEYANCES. To lease, purchase, sell, convey and mortgage the property of the district and to authorize and order all instruments, contracts, deeds or mortgages to be executed on behalf of the district by the chairperson of the board and the clerk of the district, except that the sale or lease of any public utility equipment in excess of 10 per cent of the book value of the utility property of the district shall be made as nearly as may be in accordance with s. 66.0817, 1999 stats., except that the commission shall have no power to determine whether the interests of the district and the residents thereof will be best served by the sale or lease nor to fix the price and terms thereof other than to furnish the clerk of said district with its written recommendations thereon within 90 days.

**SECTION 3021.** 220.04 (9) (a) 2. of the statutes is amended to read:

220.04 (9) (a) 2. “Regulated entity” means a bank, universal bank, trust company bank, and any other entity which is described in s. 220.02 (2) or 221.0526 as under the supervision and control of the division.

**SECTION 3022.** 220.14 (5) of the statutes is created to read:

220.14 (5) Contain a statement of the total number of orders issued by the division during the year under s. 222.0203 (2).

**SECTION 3023.** 221.0320 (2) (a) (intro.) of the statutes is amended to read:

221.0320 (2) (a) (intro.) A liability secured by warehouse receipts issued by warehouse keepers licensed and bonded in this state under ss. 99.02 and 99.03 or under the federal bonded warehouse act or holding a registration certificate license under ch. 127 s. 126.26, if all of the following requirements are met:
SECTION 3024. 221.0320 (3) (a) of the statutes is amended to read:

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

SECTION 3025. Chapter 222 of the statutes is created to read:

CHAPTER 222

UNIVERSAL BANKS

SUBCHAPTER I

GENERAL PROVISIONS

222.0101 Title. This chapter may be cited as the “Wisconsin universal bank law.”

222.0102 Definitions. In this chapter:

(1) “Capital” of a universal bank means the sum of the following, less the amount of intangible assets that is not considered to be qualifying capital by a deposit insurance corporation or the division:

(a) For a universal bank organized as a stock organization, the universal bank’s capital stock, preferred stock, undivided profits, surplus, outstanding notes and debentures approved by the division, other forms of capital designated as capital by the division, and other forms of capital considered to be qualifying capital of the universal bank by a deposit insurance corporation.

(b) For a universal bank organized as a mutual organization, the universal bank’s net worth, undivided profits, surplus, outstanding notes and debentures approved by the division, other forms of capital designated as capital by the division, and other forms of capital considered to be qualifying capital by a deposit insurance corporation.
(2) “Deposit insurance corporation” means the Federal Deposit Insurance Corporation or other instrumentality of, or corporation chartered by, the United States that insures deposits of financial institutions and that is supported by the full faith and credit of the U.S. government as stated in a congressional resolution.

(3) “Division” means the division of banking.

(4) “Financial institution” means a state savings bank organized under ch. 214, state savings and loan association organized under ch. 215, or state bank chartered under ch. 221.

(5) “Universal bank” means a financial institution that has been issued a certificate of authority under s. 222.0205.

(6) “Well-capitalized” has the meaning given in 12 USC 1831o (b) (1) (A).

222.0103 Applicability. (1) Savings Banks. A universal bank that is a savings bank organized under ch. 214 remains subject to all of the requirements, duties, and liabilities, and may exercise all of the powers, of a savings bank, except that, in the event of a conflict between this chapter and those requirements, duties, liabilities, or powers, this chapter shall control.

(2) Savings and Loan Associations. A universal bank that is a savings and loan association organized under ch. 215 remains subject to all of the requirements, duties, and liabilities, and may exercise all of the powers, of a savings and loan association, except that, in the event of a conflict between this chapter and those requirements, duties, liabilities, or powers, this chapter shall control.

(3) Banks. A universal bank that is a bank chartered under ch. 221 remains subject to all of the requirements, duties, and liabilities, and may exercise all of the powers, of a bank, except that, in the event of a conflict between this chapter and these requirements, duties, liabilities, or powers, this chapter shall control.
222.0105 Fees. The division may establish such fees as it determines are appropriate for documents filed with the division under this chapter and for services provided by the division under this chapter.

222.0107 Administration. (1) Powers of division. The division shall administer this chapter for all universal banks.

(2) Rule-making authority. The division may promulgate rules to administer and carry out this chapter. The division may establish additional limits or requirements on universal banks, if the division determines that the limits or requirements are necessary for the protection of depositors, members, investors, or the public.

SUBCHAPTER II

CERTIFICATION

222.0201 Procedure. (1) Application. A financial institution may apply to become certified as a universal bank by filing a written application with the division. The application shall include all information required by the division. The application shall be on the forms and in accordance with the procedures prescribed by the division.

(2) Review by division. An application submitted by a financial institution under sub. (1) shall either be approved or disapproved by the division, in writing, within 60 days after the date on which application is filed with the division. The division and the financial institution may mutually agree to extend the application period for an additional period of 60 days. The division shall approve an application if all of the applicable requirements under s. 222.0203 (1) are met.
222.0203 Eligibility. (1) Requirements. The division may approve an application from a financial institution for certification as a universal bank only if all of the following requirements are met:

(a) The financial institution is chartered or organized, and regulated, under ch. 214, 215, or 221 and has been in existence and continuous operation for a minimum of 3 years before the date of the application.

(b) The financial institution is well-capitalized.

(c) The financial institution does not exhibit a combination of financial, managerial, operational, and compliance weaknesses that is moderately severe or unsatisfactory, as determined by the division based upon the division’s assessment of the financial institution’s capital adequacy, asset quality, management capability, earnings quantity and quality, adequacy of liquidity, and sensitivity to market risk.

(d) During the 12-month period before the date of the application, the financial institution has not been the subject of an enforcement action, and there is no enforcement action pending against the financial institution by any state or federal financial institution regulatory agency, including the division.

(e) The most current evaluation prepared under 12 USC 2906 that the financial institution has received rates the financial institution as “outstanding” or “satisfactory” in helping to meet the credit needs of its entire community, including low-income and moderate-income neighborhoods, consistent with the safe and sound operation of the financial institution.

(f) If the financial institution has received from its federal functional regulator, as defined in 15 USC 6809 (2), a consumer compliance examination that contains information regarding the financial institution’s compliance with 15 USC 6801 to 6803 and any applicable regulations prescribed under 15 USC 6804, the most recent
such examination indicates, in the opinion of the division, that the financial institution is in substantial compliance with those statutes or regulations.

(2) **Failure to maintain eligibility; limitation of authority and decertification.** For any period during which a universal bank fails to meet the requirements under sub. (1), the division shall by order limit or restrict the exercise of the powers of the universal bank under this chapter. In addition to or lieu of limiting or restricting the universal bank’s authority under this subsection, the division may by order revoke the universal bank’s certificate of authority issued under s. 222.0205.

222.0205 **Certificate of authority.** Upon approval of an application for certification as a universal bank, the division shall issue to the applicant a certificate of authority stating that the financial institution is certified as a universal bank under this chapter.

222.0207 **Voluntary termination of certification.** A financial institution that is certified as a universal bank under this chapter may elect to terminate its certification by giving 60 days’ prior written notice of the termination to the division. A termination under this section is effective only with the written approval of the division. A financial institution shall, as a condition to a termination under this section, terminate its exercise of all powers granted under this chapter before the termination of the certification. The division’s written approval of a financial institution’s termination under this section is void if the financial institution fails to satisfy the precondition to termination under this section.

**SUBCHAPTER III**

**ORGANIZATION**
222.0301 Articles of incorporation and bylaws. A universal bank shall continue to operate under its articles of incorporation and bylaws as in effect prior to certification as a universal bank or as such articles or bylaws may be subsequently amended in accordance with the provisions of the chapter under which the universal bank was organized or chartered.

222.0303 Name. (1) Use of “bank.” Notwithstanding ss. 214.035, 215.40 (1), and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank may use the word “bank” in its name, without having to include the word “savings.” Notwithstanding ss. 215.40 (1) and 215.60 (1) and subject to subs. (2) and (3) (b), a universal bank that is organized under ch. 215 and that uses the word “bank” in its name in accordance with this section need not include the words “savings and loan association” or “savings association” in its name.

(2) Distinguishability. Except as provided in sub. (3), the name of the universal bank shall be distinguishable upon the records of the division from all of the following names:

(a) The name of every other financial institution organized under the laws of this state.

(b) The name of every national bank or foreign bank authorized to transact business in this state.

(3) Exceptions. (a) A universal bank may apply to the division for authority to use a name that does not meet the requirements under sub. (2). The division may authorize the use of the name if any of the conditions under s. 221.0403 (2) (a) or (b) is met.
(b) A universal bank may use a name that is used in this state by another financial institution or by an institution authorized to transact business in this state, if the universal bank has done any of the following:

1. Merged with the other institution.
2. Been formed by reorganization of the other institution.
3. Acquired all or substantially all of the assets, including the name, of the other institution.

222.0305 Capital and assets. (1) Capital requirements. Notwithstanding subch. VI of ch. 214 and ss. 215.24 and 221.0205, the division shall determine the minimum capital requirements of universal banks.

(2) Certain asset requirements. Section 214.045 does not apply to universal banks.

222.0307 Acquisitions, mergers, and asset purchases. (1) In general. A universal bank may, with the approval of the division, purchase the assets of, merge with, acquire, or be acquired by any other financial institution, universal bank, national bank, federally chartered savings bank, or savings and loan association, or by a holding company of any of these entities. Notwithstanding subch. III of ch. 214 and ss. 214.09 and 215.36, the approval of the division of savings and loan is not required.

(2) Applications for approval. An application for approval under sub. (1) shall be submitted on a form prescribed by the division and accompanied by a fee determined by the division. In processing and acting on applications under this section the division shall apply the following standards:

(a) For universal banks organized under ch. 214, ss. 214.09, 214.62 to 214.64, and 214.665, and subch. III of ch. 214.

For universal banks chartered under ch. 221, subchs. VII and IX of ch. 221.

SUBCHAPTER IV

POWERS

222.0401 Federal financial institution powers. (1) In general. (a) Powers exercised by universal bank. A universal bank, with the approval of the division, may exercise any power that may be directly exercised by a federally chartered savings bank, a federally chartered savings and loan association, or a federally chartered national bank.

(b) Powers exercised by subsidiary of universal bank. A universal bank, through a subsidiary and with the approval of the division, may exercise any power that a federally chartered savings bank, a federally chartered savings and loan association, or a federally chartered national bank may exercise through a subsidiary.

(2) Approval required for exercise of federal power. A universal bank shall file with the division a written request to exercise a power under sub. (1). The division shall determine whether the requested power is permitted under sub. (1). Within 60 days after receiving a request under this subsection, the division shall approve the request, if the power is permitted under sub. (1), or shall disapprove the request if the power is not permitted under sub. (1). The division and the universal bank may mutually agree to extend this 60-day period for an additional period of 60 days.

(3) Exercise of federal powers through a subsidiary. The division may require that certain powers exercisable by a universal bank under sub. (1) (a) be
exercised through a subsidiary of the universal bank with appropriate safeguards to
limit the risk exposure of the universal bank.

**222.0403 Loan powers.** (1) **PERMITTED PURPOSES.** A universal bank may
make, sell, purchase, arrange, participate in, invest in, or otherwise deal in loans or
extensions of credit for any purpose.

(2) **IN GENERAL.** Except as provided in subs. (3) to (8), the total liabilities of any
person, other than a municipal corporation, to a universal bank for a loan or
extension of credit may not exceed 20% of the capital of the universal bank at any
time. In determining compliance with this section, liabilities of a partnership
include the liabilities of the general partners, computed individually as to each
general partner on the basis of his or her direct liability.

(3) **CERTAIN SECURED LIABILITIES.** The percentage limitation under sub. (2) is
50% of the universal bank’s capital, if the liabilities under sub. (2) are limited to the
following types of liabilities:

(a) **Warehouse receipts.** A liability secured by warehouse receipts issued by
warehouse keepers who are licensed and bonded in this state under ss. 99.02 and
99.03 or under the federal Bonded Warehouse Act or who hold a registration
certificate under ch. 127, if all of the following requirements are met:

1. The receipts cover readily marketable nonperishable staples.
2. The staples are insured, if it is customary to insure the staples.
3. The market value of the staples is not, at any time, less than 140% of the face
   amount of the obligation.

(b) **Certain bonds or notes.** A liability in the form of a note or bond that meets
any of the following qualifications:
1. The note or bond is secured by not less than a like amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States.

2. The note or bond is secured or covered by guarantees or by commitments or agreements to take over, or to purchase, the bonds or notes, and the guarantee, commitment, or agreement is made by a federal reserve bank, the federal small business administration, the federal department of defense, or the federal maritime commission.

3. The note or bond is secured by mortgages or trust deeds insured by the federal housing administration.

(4) Obligations of Local Governmental Units. (a) Definition. In this subsection, “local governmental unit” has the meaning given in s. 22.01 (7).

(b) General limitation. Except as otherwise provided in this subsection, the total liabilities of a local governmental unit to a universal bank for money borrowed may not, at any time, exceed 25% of the capital of the universal bank.

(c) Revenue obligations. Liabilities in the form of revenue obligations of a local governmental unit are subject to the limitations provided in par. (b). In addition, a universal bank is permitted to invest in a general obligation of that local governmental unit in an amount that will bring the combined total of the general obligations and revenue obligations of a single local governmental unit to a sum not in excess of 50% of the capital of the universal bank.

(d) General obligations. If the liabilities of the local governmental unit are in the form of bonds, notes, or other evidences of indebtedness that are a general obligation of a local governmental unit, the total liability of the local governmental unit may not exceed 50% of the capital of the universal bank.
(e) **Temporary borrowings.** The total amount of temporary borrowings of any local governmental unit maturing within one year after the date of issue may not exceed 60% of the capital of the universal bank. Temporary borrowings and longer-term general obligation borrowings of a single local governmental unit may be considered separately in determining compliance with this subsection.

(5) **Obligations of certain international organizations; other foreign bonds.** A universal bank may purchase bonds offered for sale by the International Bank for Reconstruction and Development and the Inter-American Development Bank or any other foreign bonds approved under rules established by the division. The aggregate investment in any of these bonds issued by a single issuer may not exceed 10% of the capital of the universal bank.

(6) **Foreign national government bonds.** A universal bank may purchase general obligation bonds issued by any foreign national government if the bonds are payable in United States funds. The aggregate investment in these foreign bonds may not exceed 3% of the capital of the universal bank, except that this limitation does not apply to bonds of the Canadian government and Canadian provinces that are payable in United States funds.

(7) **Limits established by board.** (a) **When financial statements required.** A universal bank may not make or renew a loan or loans, the aggregate total of which exceeds the level established by the board of directors without being supported by a signed financial statement of the borrower, unless the loan is secured by collateral having a value in excess of the amount of the loan. A signed financial statement furnished by the borrower to a universal bank in compliance with this paragraph must be renewed annually as long as the loan or any renewal of the loan remains unpaid and is subject to this paragraph.
(b) Treatment of loans complying with limits. A loan or a renewal of a loan made by a universal bank in compliance with par. (a), without a signed financial statement, may be treated by the universal bank as entirely independent of any secured loan made to the same borrower if the loan does not exceed the applicable limitations provided in this section.

(8) Exceptions. This section does not apply to any of the following:

(a) Liabilities secured by certain short-term federal obligations. A liability that is secured by not less than a like amount of direct obligations of the United States which will mature not more than 18 months after the date on which such liabilities to the universal bank are entered into.

(b) Certain federal and state obligations or guaranteed obligations. A liability that is a direct obligation of the United States or this state, or an obligation of any governmental agency of the United States or this state, that is fully and unconditionally guaranteed by the United States or this state.

(c) Commodity Credit Corporation liabilities. A liability in the form of a note, debenture, or certificate of interest of the Commodity Credit Corporation.

(d) Discounting bills of exchange or business or commercial paper. A liability created by the discounting of bills of exchange drawn in good faith against actually existing values or the discounting of commercial or business paper actually owned by the person negotiating the same.

(e) Certain other federal or federally guaranteed obligations. Obligations of, or obligations that are fully guaranteed by, the United States and obligations of any federal reserve bank, federal home loan bank, the Student Loan Marketing Association, the Government National Mortgage Association, the Federal National
Mortgage Association, the Federal Home Loan Mortgage Corporation, the Export–Import Bank of Washington, or the Federal Deposit Insurance Corporation.

(9) ADDITIONAL AUTHORITY. (a) In general. In addition to the authority granted under subs. (1) to (8), and except as provided in par. (b), a universal bank may lend under this subsection, through the universal bank or subsidiary of the universal bank, to all borrowers from the universal bank and all of its subsidiaries, an aggregate amount not to exceed 20% of the universal bank’s capital. Neither a universal bank nor any subsidiary of the universal bank may lend to any borrower, under this subsection and any other law or rule, an amount that would result in an aggregate amount for all loans to that borrower that exceeds 20% of the universal bank’s capital. A universal bank or its subsidiary may take an equity position or other form of interest as security in a project funded through loans made under this paragraph. Every transaction by a universal bank or its subsidiary under this paragraph requires prior approval by the governing board of the universal bank or its subsidiary, respectively. Loans made under this paragraph are not subject to s. 221.0326 or to classification as losses, for a period of 2 years from the date of each loan except as provided in par. (b).

(b) Suspension of additional authority. The division may suspend authority established under par. (a) and, in such case, may specify how an outstanding loan shall be treated by the universal bank or its subsidiary. Among the factors that the division may consider in suspending authority under par. (a) are the universal bank’s capital adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity, and sensitivity to market risk and the ability of the universal bank’s management.
(10) Exercise of loan powers; prohibited considerations. In determining whether to make a loan or extension of credit, no universal bank may consider any health information obtained from the records of an affiliate of the universal bank that is engaged in the business of insurance, unless the person to whom the health information relates consents.

222.0405 Investment powers. (1) Investment securities. Except as provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite, and hold investment securities, consistent with safe and sound banking practices, up to 100% of the universal bank’s capital. A universal bank may not invest greater than 20% of the universal bank’s capital in the investment securities of one obligor or issuer. In this subsection, “investment securities” includes commercial paper, banker’s acceptances, marketable securities in the form of bonds, notes, debentures, and similar instruments that are regarded as investment securities.

(2) Equity securities. Except as provided in subs. (3) to (8), a universal bank may purchase, sell, underwrite, and hold equity securities, consistent with safe and sound banking practices, up to 20% of capital or, if approved by the division in writing, a greater percentage of capital.

(3) Housing activities. With the prior written consent of the division, a universal bank may invest in the initial purchase and development, or the purchase or commitment to purchase after completion, of home sites and housing for sale or rental, including projects for the reconstruction, rehabilitation, or rebuilding of residential properties to meet the minimum standards of health and occupancy prescribed for a local governmental unit, the provision of accommodations for retail stores, shops, and other community services that are reasonably incident to that housing, or in the stock of a corporation that owns one or more of those projects and
that is wholly owned by one or more financial institutions. The total investment in any one project may not exceed 15% of the universal bank’s capital, nor may the aggregate investment under this subsection exceed 50% of capital. A universal bank may not make an investment under this subsection unless it is in compliance with the capital requirements set by the division under s. 222.0305 (1) and with the capital maintenance requirements of its deposit insurance corporation.

(4) **Profit-participation projects.** A universal bank may take equity positions in profit-participation projects, including projects funded through loans from the universal bank, in an aggregate amount not to exceed 20% of capital. The division may suspend the investment authority under this subsection. If the division suspends the investment authority under this subsection, the division may specify how outstanding investments under this subsection shall be treated by the universal bank or its subsidiary. Among the factors that the division may consider in suspending authority under this subsection are the universal bank’s capital adequacy, asset quality, earnings quantity, earnings quality, adequacy of liquidity, and sensitivity to market risk and the ability of the universal bank’s management. This subsection does not authorize a universal bank, directly or indirectly through a subsidiary, to engage in the business of underwriting insurance.

(5) **Debt investments.** A universal bank may invest in bonds, notes, obligations, and liabilities described under s. 222.0403 (3) to (7), subject to the limitations under those subsections.

(6) **Certain liabilities.** This section does not limit investment in the liabilities described in s. 222.0403 (8).

(7) **Certain investments.** A universal bank may invest without limitation in any of the following:
(a) Business development corporations. Stocks or obligations of a corporation organized for business development by this state or by the United States or by an agency of this state or the United States.

(b) Urban renewal investment corporations. Obligations of an urban renewal investment corporation organized under the laws of this state or of the United States.

(c) Certain bank insurance companies. An equity interest in an insurance company or an insurance holding company organized to provide insurance for universal banks and for persons affiliated with universal banks, solely to the extent that this ownership is a prerequisite to obtaining directors’ and officers’ insurance or blanket bond insurance for the universal bank through the company.

(d) Certain remote service unit corporations. Shares of stock, whether purchased or otherwise acquired, in a corporation acquiring, placing, and operating remote service units under s. 214.04 (21) or 215.13 (46) or bank communications terminals under s. 221.0303 (2).

(e) Service corporations. Equity or debt securities or instruments of a service corporation subsidiary of the universal bank.


(g) Certain risk management financial products. With the prior written approval of the division, financial futures transactions, financial options transactions, forward commitments, or other financial products for the purpose of reducing, hedging, or otherwise managing its interest rate risk exposure.

(h) Certain fiduciaries. A subsidiary organized to exercise corporate fiduciary powers under ch. 112.

(i) Agricultural credit corporations. An agricultural credit corporation. Unless a universal bank owns at least 80% of the stock of the agricultural credit corporation,
a universal bank may not invest more than 20% of the universal bank's capital in the agricultural credit corporation.

(j) *Deposit accounts and insured obligations.* Deposit accounts or insured obligations of any financial institution, the accounts of which are insured by a deposit insurance corporation.

(k) *Certain federal obligations.* Obligations of, or obligations that are fully guaranteed by, the United States and stocks or obligations of any federal reserve bank, federal home loan bank, the Student Loan Marketing Association, the Government National Mortgage Association, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Deposit Insurance Corporation.

(L) *Other investments.* Any other investment authorized by the division.

8. **Investments in other financial institutions.** In addition to the authority granted under ss. 222.0307 and 222.0409, and subject to the limitations of sub. (2), a universal bank may invest in other financial institutions.

9. **Investments through subsidiaries.** A universal bank may make investments under this section, directly or indirectly through a subsidiary, unless the division determines that an investment shall be made through a subsidiary with appropriate safeguards to limit the risk exposure of the universal bank.

222.0407 **Universal bank purchase of its own stock.** (1) In general. A universal bank may hold or purchase not more than 10% of its capital stock, notes, or debentures, except as provided in sub. (2) or (3).

(2) **Division approval.** A universal bank may hold or purchase more than 10% of its capital stock, notes, or debentures, if approved by the division.
(3) **Additional Authority.** A universal bank may hold or purchase more than 10% of its capital stock, notes, or debentures if the purchase is necessary to prevent loss upon a debt previously contracted in good faith. Stock, notes, or debentures held or purchased under this subsection may not be held by the universal bank for more than 6 months if the stock, notes, or debentures can be sold for the amount of the claim of the universal bank against the holder of the debt previously contracted. The universal bank shall either sell the stock, notes, or debentures within 12 months of acquisition under this subsection or shall cancel the stock, notes, or debentures. Cancellation of the stock, notes, or debentures reduces the amount of the universal bank’s capital stock, notes, or debentures. If the reduction reduces the universal bank’s capital below the minimum level required by the division, the universal bank shall increase its capital to the amount required by the division.

(4) **Loans Secured by Capital, Surplus, or Deposits.** A universal bank may not loan any part of its capital, surplus, or deposits on its own capital stock, notes, or debentures as collateral security, except that a universal bank may make a loan secured by its own capital stock, notes, or debentures to the same extent that the universal bank may make a loan secured by the capital stock, notes, and debentures of a holding company for the universal bank.

**222.0409 Stock in bank-owned banks.** With the approval of the division, a universal bank may acquire and hold stock in one or more banks chartered under s. 221.1202 or national banks chartered under 12 USC 27 (b) or in one or more holding companies wholly owning such a bank. Aggregate investments under this section may not exceed 10% of the universal bank’s capital.

**222.0411 General deposit powers. (1) In General.** A universal bank may set eligibility requirements for, and establish the types and terms of, deposits that
the universal bank solicits and accepts. The terms set under this subsection may
include minimum and maximum amounts that the universal bank may accept and
the frequency and computation method of paying interest.

(2) PLEDGE OF SECURITY FOR DEPOSITS. Subject to the limitations of s. 221.0324
that are applicable to banks, a universal bank may pledge its assets as security for
deposits.

(3) SECURITIZATION OF ASSETS. With the approval of the division, a universal
bank may securitize its assets for sale to the public. The division may establish
procedures governing the exercise of authority granted under this subsection.

(4) SAFE DEPOSIT POWERS. A universal bank may take and receive, from any
individual or corporation for safekeeping and storage, gold and silver plate, jewelry,
money, stocks, securities, and other valuables or personal property, and may rent out
the use of safes or other receptacles upon its premises for such compensation as may
be agreed upon. A universal bank has a lien for its charges on any property taken
or received by it for safekeeping. If the lien is not paid within 2 years from the date
the lien accrues, or if property is not called for by the person depositing the property,
or by his or her representative or assignee, within 2 years from the date the lien
accrues, the universal bank may sell the property at public auction. A universal bank
shall provide the same notice for a sale under this subsection that is required by law
for sales of personal property on execution. After retaining from the proceeds of the
sale all of the liens and charges due the bank and the reasonable expenses of the sale,
the universal bank shall pay the balance to the person depositing the property, or to
his or her representative or assignee.

222.0413 Necessary or convenient powers, reasonably related or
incidental activities, and other approved activities. (1) NECESSARY OR
CONVENIENT POWERS. Unless otherwise prohibited or limited by this chapter, a universal bank may exercise all powers necessary or convenient to effect the purposes for which the universal bank is organized or to further the businesses in which the universal bank is lawfully engaged.

(2) REASONABLY RELATED AND INCIDENTAL ACTIVITIES. (a) Subject to any applicable state or federal regulatory or licensing requirements, a universal bank may engage, directly or indirectly through a subsidiary, in activities reasonably related or incident to the purposes of the universal bank. Activities reasonably related or incident to the purposes of the universal bank are those activities that are part of the business of financial institutions, or closely related to the business of financial institutions, or convenient and useful to the business of financial institutions, or reasonably related or incident to the operation of financial institutions, or financial in nature. Activities that are reasonably related or incident to the purposes of a universal bank include the following:

1. Business and professional services.
2. Data processing.
3. Courier and messenger services.
4. Credit-related activities.
5. Consumer services.
6. Real estate-related services, including real estate brokerage services.
7. Insurance and related services, other than insurance underwriting.
8. Securities brokerage.
9. Investment advice.
10. Securities and bond underwriting.
11. Mutual fund activities.
14. Community development and charitable activities.
15. Debt cancellation contracts.
16. Any activities that are reasonably related or incident to activities under subds. 1. to 15., as determined by rule of the division under par. (b).

(b) An activity that is authorized by statute or regulation for financial institutions to engage in as of the effective date of this paragraph .... [revisor inserts date], is an activity that is reasonably related to or incident to the purposes of a universal bank. An activity permitted under the Bank Holding Company Act is an activity that is reasonably related to or incident to the purposes of a universal bank. The division may, by rule, expand the list of activities under par. (a) 1. to 15. that are reasonably related or incident to the purposes of a universal bank and, by rule, may establish which activities under par. (a) 16. are reasonably related or incident to the activities under par. (a) 1. to 15. Any activity approved by rule of the division under this paragraph shall be authorized for all universal banks.

(3) NOTICE REQUIREMENT. A universal bank shall give 60 days’ prior written notice to the division of the universal bank’s intention to engage in an activity under this section.

(4) STANDARDS FOR DENIAL. The division may deny the authority of a universal bank to engage in an activity under this section, other than those activities described in sub. (2) (a) 1. to 15., if the division determines that the activity is not an activity reasonably related or incident to the purposes of a universal bank. The division may deny the authority of a universal bank to engage in an activity under this section if the division determines that the universal bank is not well-capitalized, that the
universal bank is the subject of an enforcement action, or that the universal bank
does not have satisfactory management expertise for the proposed activity.

(5) INSURANCE INTERMEDIATION. A universal bank, or an officer or salaried
employee of a universal bank, may obtain a license as an insurance intermediary, if
otherwise qualified. A universal bank may not, directly or indirectly through a
subsidiary, engage in the business of underwriting insurance.

(6) OTHER ACTIVITIES APPROVED BY THE DIVISION. A universal bank may engage
in any other activity that is approved by rule of the division.

(7) ACTIVITIES PROVIDED THROUGH A SUBSIDIARY. A universal bank may engage
in an activity under this section, directly or indirectly through a subsidiary, unless
the division determines that the activity must be conducted through a subsidiary
with appropriate safeguards to limit the risk exposure of the universal bank.

(8) LIMITATIONS ON INVESTMENTS THROUGH SUBSIDIARIES. The amount of the
investment in any one subsidiary that engages in an activity under this section may
not exceed 20% of capital or, if approved by the division, a higher percentage
authorized by the division. The aggregate investment in all subsidiaries that engage
in an activity under this subsection may not exceed 50% of capital or, if approved by
the division, a higher percentage authorized by the division.

(9) OWNERSHIP OF SUBSIDIARIES. A subsidiary that engages in an activity under
this section may be owned jointly, with one or more other financial institutions,
individuals, or entities.

222.0415 Trust powers. Subject to rules of the division, a universal bank may
exercise trust powers in accordance with s. 221.0316.

SECTION 3026. 222.0403 (3) (a) (intro.) of the statutes, as created by 2001
Wisconsin Act .... (this act), is amended to read:
222.0403 (3) (a) (intro.) A liability secured by warehouse receipts issued by warehouse keepers who are licensed and bonded in this state under ss. 99.02 and 99.03 or under the federal Bonded Warehouse Act or who hold a registration certificate under ch. 127 are licensed under s. 126.26 (1), if all of the following requirements are met:

SECTION 3027. 224.02 of the statutes is amended to read:

224.02 Banking, defined. The soliciting, receiving, or accepting of money or its equivalent on deposit as a regular business by any person, partnership, association, or corporation, shall be deemed to be doing a banking business, whether such deposit is made subject to check or is evidenced by a certificate of deposit, a passbook, a note, a receipt, or other writing, provided that nothing herein shall apply to or include money left with an agent, pending investment in real estate or securities for or on account of the agent’s principal. Provided, however, that if money so left with an agent for investment shall not be kept in a separate trust fund or if the agent receiving such money shall mingle same with the agent’s own property, whether with or without the consent of the principal, or shall make an agreement to pay any certain rate of interest thereon or any agreement to pay interest thereon other than an agreement to account for the actual income which may be derived from such money while held pending investment, the person receiving such money shall be deemed to be in the banking business.

SECTION 3028. 224.30 (2) of the statutes is repealed.

SECTION 3029. 224.71 (3) (b) 7. of the statutes is created to read:

224.71 (3) (b) 7. The department of veterans affairs when administering the veteran’s housing loan program under subch. II of ch. 45.
**SECTION 3030.** 227.01 (1) of the statutes, as affected by 1999 Wisconsin Act 9, section 2353n, is repealed and recreated to read:

227.01 (1) “Agency” means a board, commission, committee, department or officer in the state government, except the governor, a district attorney or a military or judicial officer.

**SECTION 3031.** 227.01 (13) (zc) of the statutes is amended to read:

227.01 (13) (zc) Establishes an inventory or a hazard ranking a list or database under s. 292.31.

**SECTION 3032.** 227.117 of the statutes is created to read:

**227.117 Review of rules impacting energy policies.** (1) The public service commission may conduct an energy assessment of any proposed rule submitted to the legislative council staff for review under s. 227.15 (1). The energy assessment shall evaluate the potential impact of the proposed rule on the energy policies of the state related to electricity generation, transmission, or distribution or to fuels used in generating electricity. If, after making such an assessment, the public service commission concludes that the proposed rule may have a significant impact on those policies, the public service commission may prepare an energy impact statement. An energy impact statement prepared under this subsection shall evaluate the probable impacts of the proposed rule on the state’s energy policies and describe appropriate alternatives to the proposed rule that will reduce any negative impacts on those policies.

(2) The public service commission shall submit a copy of any energy impact statement prepared under sub. (1) to the legislative council staff and to the agency that proposed the rule that resulted in the statement.
(3) An agency that receives an energy impact statement under sub. (2), shall consider the energy impact statement before submitting the notification and report to the legislature under s. 227.19 (2) and (3).

SECTION 3033. 227.19 (3) (intro.) of the statutes is amended to read:

227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be in writing and shall include the proposed rule in the form specified in s. 227.14 (1), the material specified in s. 227.14 (2) to (4), a copy of any energy impact statement received from the public service commission under s. 227.117 (2), a copy of any recommendations of the legislative council staff and an analysis. The analysis shall include:

SECTION 3034. 227.19 (3) (f) of the statutes is created to read:

227.19 (3) (f) If an energy impact statement regarding the proposed rule was submitted with the report, an explanation of what changes, if any, that were made in the proposed rule in response to that statement.

SECTION 3035. 227.245 of the statutes is created to read:

227.245 Permanent rules; exemptions. (1) PROMULGATION OF UNIVERSAL BANKING RULES. Except as provided in subs. (2) and (3), the division of banking may promulgate a rule under s. 222.0413 (2) (b) without complying with the notice, hearing, and publication procedures under this chapter.

(2) FILING AND PUBLICATION. The division of banking shall file a rule described under sub. (1) as provided in s. 227.20. At the time that the rule is filed, the division of banking shall mail a copy of the rule to the chief clerk of each house and to each member of the legislature, shall publish in the official state newspaper a class 1 notice under ch. 985 containing a copy of the rule, and shall take any other step it considers feasible to make the rule known to persons who will be affected by the rule.
(3) **Effective date.** A rule described under sub. (1) takes effect as provided under s. 227.22.

**SECTION 3036.** 228.01 of the statutes is amended to read:

**228.01 Recording of documents and public records by mechanical process authorized.** Whenever any officer of any county having a population of 500,000 or more is required or authorized by law to file, record, copy, recopy or replace any document, court order, plat, paper, written instrument, writings, record or book of record, on file or of record in his or her office, notwithstanding any other provisions in the statutes, the officer may do so by photostatic, photographic, microphotographic, microfilm, optical imaging, electronic formatting or other mechanical process which produces a clear, accurate and permanent copy or reproduction of the original document, court order, plat, paper, written instrument, writings, record or book of record in accordance with the applicable standards specified under ss. 16.61 (7) and 16.612. Any such officer may also reproduce by such processes or transfer from optical disk or electronic storage any document, court order, plat, paper, written instrument, writings, record or book of record which has previously been filed, recorded, copied or recopied. Optical imaging or electronic formatting of any document is subject to authorization under s. 59.52 (14) (a).

**SECTION 3037.** 228.03 (2) of the statutes is amended to read:

228.03 (2) Any photographic reproduction of an original record meeting the applicable standards prescribed in s. 16.61 (7) or copy of a record generated from an original record stored in optical disk or electronic format in compliance with the applicable standards under ss. 16.61 and 16.612 shall be taken as and stand in lieu of and have all of the effect of the original record and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all
cases where the original document is admissible. A transcript, exemplification or
certified copy of such a reproduction of an original record, or certified copy of a record
generated from an original record stored in optical disk or electronic format, for the
purposes specified in this subsection, is deemed to be a transcript, exemplification
or certified copy of the original. The custodian of a photographic reproduction shall
place the reproduction or optical disk in conveniently accessible storage and shall
make provision for preserving, examining and using the reproduction of the record
or generating a copy of the record from optical disk or electronic storage. An enlarged
copy of a photographic reproduction of a record made in accordance with the
applicable standards specified in s. 16.61 (7) or an enlarged copy of a record
generated from an original record stored in optical disk or electronic format in
compliance with the applicable standards under ss. 16.61 and 16.612 that is certified
by the custodian as provided in s. 889.18 (2) has the same effect as an actual-size
copy.

**SECTION 3038.** 230.03 (3) of the statutes is amended to read:

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

**SECTION 3039.** 230.03 (12) of the statutes is repealed.
SECTION 3040. 230.04 (1m) of the statutes is amended to read:

230.04 (1m) The secretary may delegate, in writing, any of his or her functions set forth in this chapter to an appointing authority, within prescribed standards if the secretary finds that the agency has personnel management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement. If the secretary determines that any agency is not performing such delegated function within prescribed standards, the secretary shall forthwith withdraw such delegated function. Subject to the approval of the joint committee on finance, the secretary may order transferred to the department from the agency to which delegation was made such agency staff and other resources as necessary to perform such functions if increased staff was authorized to that agency as a consequence of such delegation or if the department reduced staff or shifted staff to new responsibilities as a result of such delegation. Any delegatory action taken under s. 230.09 (2) (a) or (d) or 230.13 (1) by an appointing authority may be appealed to the personnel commission under s. 230.44 (1) (b). The secretary shall be a party in such an appeal.

SECTION 3041. 230.04 (9) (e) of the statutes is amended to read:

230.04 (9) (e) Annually Biennially, beginning in 2001, prepare and submit to the governor and the legislature a summary of existing agency affirmative action program accomplishments, including the information obtained from agencies under sub. (10) (b), future goals and recommended actions.

SECTION 3042. 230.04 (9) (em) of the statutes is amended to read:

230.04 (9) (em) Annually Biennially, beginning in 2001, prepare and submit to the governor and the legislature a summary of the progress being made to provide
employment opportunities in civil service for veterans under this chapter, including
the information obtained from agencies under sub. (10) (c).

SECTION 3043. 230.04 (9m) of the statutes is repealed.

SECTION 3044. 230.04 (9r) of the statutes is repealed.

SECTION 3045. 230.04 (13) (e) (intro.) of the statutes is amended to read:

230.04 (13) (e) (intro.) On or before September 30 annually, biennially, beginning in 1989 2001, prepare and submit to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) a report that includes all of the following information for the fiscal year preceding the date that the report is due:

SECTION 3046. 230.05 (2) (a) of the statutes is amended to read:

230.05 (2) (a) Except as provided under par. (b), the administrator may delegate, in writing, any of his or her functions set forth in this subchapter to an appointing authority, within prescribed standards if the administrator finds that the agency has personnel management capabilities to perform such functions effectively and has indicated its approval and willingness to accept such responsibility by written agreement. If the administrator determines that any agency is not performing such delegated function within prescribed standards, the administrator shall withdraw such delegated function. The administrator may order transfer to the division from the agency to which delegation was made such agency staff and other resources as necessary to perform such functions if increased staff was authorized to that agency as a consequence of such delegation or if the division reduced staff or shifted staff to new responsibilities as a result of such delegation subject to the approval of the joint committee on finance. Any delegatory action taken under this subsection by any appointing authority may be appealed to the
personnel commission under s. 230.44 (1) (a). The administrator shall be a party in such appeal.

**SECTION 3047.** 230.06 (1) (L) of the statutes is repealed.

**SECTION 3048.** 230.08 (2) (e) 1. of the statutes is amended to read:

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

**SECTION 3049.** 230.08 (2) (e) 3m. of the statutes is amended to read:

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

**SECTION 3050.** 230.08 (2) (e) 3r. of the statutes is created to read:

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

**SECTION 3051.** 230.08 (2) (e) 13. of the statutes is amended to read:

230.08 (2) (e) 13. Veterans affairs — 2 5.

**SECTION 3052.** 230.08 (2) (km) of the statutes is created to read:

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

**SECTION 3053.** 230.08 (2) (L) 2. of the statutes is amended to read:

230.08 (2) (L) 2. Educational communications board, created under s. 15.57 (1).

If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the
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Sections 3054, 3055, 3056, 3057, 3058, 3059, and 3060 are created to read:

Section 3054. 230.08 (2) (oe) of the statutes is created to read:

230.08 (2) (oe) Special masters employed by the elections board under s. 7.08 (7).

Section 3055. 230.08 (2) (vm) of the statutes is created to read:

230.08 (2) (vm) The executive director of the board on education evaluation and accountability.

Section 3056. 230.08 (2) (we) of the statutes is amended to read:

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

Section 3057. 230.08 (2) (xm) of the statutes is created to read:

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

Section 3058. 230.08 (2) (ya) of the statutes is created to read:

230.08 (2) (ya) The state-local government coordinator in the department of administration.

Section 3059. 230.08 (4) (a) of the statutes is amended to read:

educational communications board to the broadcasting corporation, as defined in s. 39.81 (2), this subdivision does not apply on and after the effective date of the last license transferred as determined by the secretary of administration under s. 39.87 (2) (a).
230.08 (4) (a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed outside the classified service in each department, board or commission and the historical society. In Except as provided in par. (am), in this paragraph, “department” has the meaning given under s. 15.01 (5), “board” means the educational communications board, investment board, public defender board and technical college system board and “commission” means the public service commission. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

SECTION 3060. 230.08 (4) (am) of the statutes is created to read:

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

SECTION 3061. 230.09 (2) (g) of the statutes is amended to read:

230.09 (2) (g) When filling a new or vacant position, if the secretary determines that the classification for a position is different than that provided for by the legislature as established by law or in budget determinations, or as authorized by the joint committee on finance under s. 13.10, or as specified by the governor in creating positions under s. 16.505 (1) (c) or (2), the chief information officer in transferring positions under s. 16.505 (2e), the University of Wisconsin Hospitals and Clinics
Board in creating positions under s. 16.505 (2n) or the board of regents of the University of Wisconsin System in creating positions under s. 16.505 (2m), or is different than that of the previous incumbent, the secretary shall notify the administrator and the secretary of administration. The administrator shall withhold action on the selection and certification process for filling the position. The secretary of administration shall review the position to determine that sufficient funds exist for the position and that the duties and responsibilities of the proposed position reflect the intent of the legislature as established by law or in budget determinations, the intent of the joint committee on finance acting under s. 13.10, the intent of the governor creating positions under s. 16.505 (1) (c) or (2), the chief information officer transferring positions under s. 16.505 (2e), the University of Wisconsin Hospitals and Clinics Board creating positions under s. 16.505 (2n) or the intent of the board of regents of the University of Wisconsin System creating positions under s. 16.505 (2m). The administrator may not proceed with the selection and certification process until the secretary of administration has authorized the position to be filled.

**SECTION 3062.** 230.15 (1) of the statutes is amended to read:

230.15 (1) Appointments to, and promotions in, the classified service shall be made only according to merit and fitness, which shall be ascertained so far as practicable by competitive examination. The administrator may waive competitive examination for appointments made under subs. (1m), (1r), and (2) and shall waive competitive examination for appointments made under sub. (2m).

**SECTION 3063.** 230.15 (1r) of the statutes is created to read:

230.15 (1r) If a vacancy occurs in a position that is to be filled according to the terms of a pilot program under s. 230.23 and the terms of the pilot program provide
that the competition requirements for filling the position may be waived, the
administrator may waive the competition requirements for filling the position.

**SECTION 3064.** 230.19 (2) of the statutes is amended to read:

230.19 (2) If, in the judgment of the administrator, the group of applicants best
able to meet the requirements for vacancies in positions in the classified service are
available within the classified service, the vacancies shall be filled by competition
limited to persons in the classified service who are not employed under s. 230.26 or
230.27 and persons with the right of restoration resulting from layoff under s. 230.34
(2), unless it is necessary to go outside the classified service to be consistent with an
approved affirmative action plan or program. The administrator may also limit
competition for promotion to the employees of an agency or an employing unit within
an agency if the resulting group of applicants would fairly represent the proportion
of members of racial and ethnic, gender or disabled groups in the relevant labor pool
for the state, unless it is necessary to go outside the classified service to be consistent
with an approved affirmative action plan or program.

**SECTION 3065.** 230.19 (4) of the statutes is created to read:

230.19 (4) If a vacancy occurs in a position that is to be filled according to the
terms of a pilot program under s. 230.23, the terms of the pilot program shall
supersede any inconsistent requirements established under this section.

**SECTION 3066.** 230.21 (1m) (a) of the statutes is renumbered 230.21 (1m).

**SECTION 3067.** 230.21 (1m) (b) of the statutes is repealed.

**SECTION 3068.** 230.215 (3) (b) of the statutes is amended to read:

230.215 (3) (b) If the secretary, upon review of the report submitted under sub.
(4), determines that an agency's past or proposed actions relating to permanent
part-time employment opportunities do not adequately reflect the policy under sub.
(1) (e), the secretary may recommend procedures designed to enable the agency to 
effect such policy.

SECTION 3069. 230.215 (4) of the statutes is repealed.

SECTION 3070. 230.23 of the statutes is created to read:

230.23 Merit recruitment and selection pilot programs. (1) The 
administrator may establish any number of pilot programs affecting one or more 
agencies for appointments to, and promotions in, the classified service if all of the 
following conditions are met:

(a) The administrator clearly specifies the purpose of the pilot program and the 
evaluation criteria and evaluation methodology that he or she will use to evaluate 
the pilot program.

(b) Appointments and promotions to positions under the pilot program are 
made according to the applicant’s merit and fitness for the position.

(c) The pilot program is not in effect for a period exceeding one year.

(d) The secretary approves the pilot program.

(e) The administrator submits a report describing the terms of the pilot 
program to the governor and to each house of the legislature for distribution to the 
legislature under s. 13.172 (2) no later than 30 days before the commencement of the 
pilot program.

(2) No later than 60 days after completion of a pilot program, the administrator 
shall submit a report evaluating the pilot program to the governor and to each house 
of the legislature for distribution to the legislature under s. 13.172 (2).

SECTION 3071. 230.25 (1p) of the statutes is repealed.

SECTION 3072. 230.25 (5m) of the statutes is created to read:
230.25 (5m) Unless otherwise provided in the terms of a pilot program under s. 230.23, this section shall not apply to any vacancy in a position that is to be filled according to the terms of a pilot program under s. 230.23.

**SECTION 3073.** 230.26 (1m) of the statutes is repealed.

**SECTION 3074.** 230.26 (2) of the statutes is amended to read:

230.26 (2) If there are urgent reasons for filling a vacancy in any position in the classified service and the administrator is unable to certify to the appointing authority, upon requisition by the latter, a list of persons eligible for appointment from an appropriate employment register, the appointing authority may nominate a person to the administrator for noncompetitive examination. If the nominee is certified by the administrator as qualified, the nominee may be appointed provisionally to fill the vacancy until an appointment can be made from a register established after announcement of competition for the position, except that no provisional appointment may be continued for more than 45 working days after the date of certification from the register. Successive appointments may not be made under this subsection. This subsection does not apply to a person appointed to a vacant position in the classified service under s. 230.275 or to a vacant position in the classified service that is to be filled according to the terms of a pilot program under s. 230.23.

**SECTION 3075.** 230.26 (5) of the statutes is amended to read:

230.26 (5) If the administrator determines that an agency is not in compliance with the requirements of, or rules related to, sub. (1), (1m) or (2) regarding a particular employee, the administrator shall direct the appointing authority to terminate the employee.

**SECTION 3076.** 230.27 (1m) of the statutes is repealed.
SECTION 3077. 230.27 (2k) of the statutes is repealed.

SECTION 3078. 230.28 (7) of the statutes is created to read:

230.28 (7) Unless otherwise provided in the terms of a pilot program under s. 230.23, this section shall not apply to any appointment to a vacancy in a position that is to be filled according to the terms of a pilot program under s. 230.23.

SECTION 3079. 230.35 (1m) (a) 5. of the statutes is created to read:

230.35 (1m) (a) 5. A position held by an employee of the state fair park board who was employed on October 29, 1999, in a career executive position under the program established under s. 230.24.

SECTION 3080. 230.35 (3) (a) of the statutes is amended to read:

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

SECTION 3081. 230.36 (1m) (b) 2. (intro.) of the statutes is amended to read:

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

SECTION 3082. 230.36 (2m) (a) 13. of the statutes is repealed.

SECTION 3083. 230.45 (1) (e) of the statutes is repealed.

SECTION 3084. 230.45 (3) of the statutes is amended to read:

230.45 (3) The commission shall promulgate rules establishing a schedule of filing fees to be paid by any person who files an appeal under sub. (1) (c) or (e) or s. 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules promulgated under this subsection. Fees paid under this subsection shall be deposited in the general fund as general purpose revenue – earned.

SECTION 3085. 230.46 of the statutes is amended to read:

230.46 Duties of council on affirmative action. The council on affirmative action in the department shall serve in a direct advisory capacity to the secretary and
as part of that relationship shall evaluate the progress of affirmative action
programs throughout the civil service system, seek compliance with state and
federal regulations and recommend improvements in the state’s affirmative action
efforts as an employer. In carrying out its responsibilities, the council may
recommend legislation, consult with agency personnel and other interested persons,
conduct hearings and take other appropriate action to promote affirmative action.
The Beginning in 2001, the council shall report at least once per year every 2 years
to the governor and the legislature.

SECTION 3086. 231.01 (4m) of the statutes is amended to read:

231.01 (4m) “Educational facility” means a facility used for education by a
regionally accredited, private, postsecondary educational institution that is
described in section 501 (c) (3) of the Internal Revenue Code, as defined in s. 71.22
(4), and that is exempt from federal taxation under section 501 (a) of the Internal
Revenue Code.

SECTION 3087. 231.01 (9) of the statutes is amended to read:

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

SECTION 3088. 231.01 (11) of the statutes is created to read:

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

SECTION 3089. 231.01 (12) of the statutes is created to read:

231.01 (12) “Tobacco settlement revenues” has the meaning given in s. 16.63
(1) (c).
SECTION 3090. 231.03 (6) (g) of the statutes is created to read:

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

SECTION 3091. 231.03 (20) of the statutes is created to read:

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

SECTION 3092. 231.09 of the statutes is amended to read:

231.09 Bond security. The authority may secure any bonds issued under this chapter by a trust agreement, trust indenture, indenture of mortgage, or deed of trust by and between the authority and one or more corporate trustees, which may be any trust company or bank in this state having the powers of a trust company. The bond resolution providing for the issuance of bonds so secured shall pledge the revenues to be received by the authority as a result of the terms of the financing referred to in the resolution, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper
and not in violation of law, including particularly such provisions as are specifically
authorized by this chapter to be included in any bond resolution of the authority, and
may restrict the individual right of action by bondholders. In addition, any bond
resolution may contain such other provisions as the authority deems reasonable and
proper for the security of the bondholders. All expenses incurred in carrying out the
provisions of the bond resolution may be treated as a part of the cost of the operation
of a project.

**SECTION 3093.** 231.16 (1) of the statutes is amended to read:

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

**SECTION 3094.** 231.16 (3) of the statutes is amended to read:

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

**SECTION 3095.** 231.215 of the statutes is created to read:

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

**SECTION 3096.** 233.27 of the statutes is amended to read:

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

**SECTION 3097.** 234.01 (4n) (a) 3m. a. of the statutes is amended to read:

234.01 (4n) (a) 3m. a. The facility is in a tax incremental district or an environmental remediation tax incremental district or is the subject of an urban development action grant and will result in a net economic benefit to the state.

**SECTION 3098.** 234.265 (2) of the statutes is amended to read:
234.265 (2) Records or portions of records consisting of personal or financial information provided by a person seeking a grant or loan under s. 234.08, 234.49, 234.59, 234.61, 234.65, 234.67, 234.63, 234.84, 234.90, 234.905, 234.907, or 234.91, seeking a loan under ss. 234.621 to 234.626, seeking financial assistance under s. 234.66, seeking investment of funds under s. 234.03 (18m), or in which the authority has invested funds under s. 234.03 (18m), unless the person consents to disclosure of the information.

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

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

**SECTION 3100.** 234.67 (1) (f) of the statutes is amended to read:

234.67 (1) (f) “Percentage of guarantee” means the percentage established by the authority under sub. (3) (a).

**SECTION 3101.** 234.67 (3) (a) of the statutes is renumbered 234.67 (3) and amended to read:

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

SECTION 3102. 234.67 (3) (b) of the statutes is repealed.

SECTION 3103. 234.83 (1) of the statutes is renumbered 234.83 (1m).

SECTION 3104. 234.83 (1c) of the statutes is created to read:

234.83 (1c) Definitions. In this section:

(a) “Rural community” means a city, town, or village in this state with a population of less than 50,000.

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

SECTION 3105. 234.83 (2) (a) (intro.) of the statutes is amended to read:

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

SECTION 3106. 234.83 (2) (a) 2. of the statutes is amended to read:

234.83 (2) (a) 2. The business employs 50 or fewer employees on a full−time basis is a small business.

SECTION 3107. 234.83 (2) (a) 3. of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

234.83 (2) (a) 3. The name of the owner of the business does not appear on the statewide support lien docket under s. 49.854 (2) (b). The condition under this subdivision is met for an owner whose name does appear if or if the name of the owner of the business appears on that docket, the owner of the business provides to the authority a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).
SECTION 3108. 234.83 (3) (a) 2. of the statutes is amended to read:

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

SECTION 3109. 234.83 (3) (a) 3. of the statutes is created to read:

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

SECTION 3110. 234.83 (4) (a) of the statutes is renumbered 234.83 (4) and amended to read:

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

SECTION 3111. 234.83 (4) (b) of the statutes is repealed.

SECTION 3112. 234.90 (3) (d) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:

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

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

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

**SECTION 3114.** 234.90 (4) (a) of the statutes is renumbered 234.90 (4) and amended to read:

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

**SECTION 3115.** 234.90 (4) (b) of the statutes is repealed.

**SECTION 3116.** 234.905 of the statutes is repealed.

**SECTION 3117.** 234.907 (1) (f) of the statutes is amended to read:

234.907 (1) (f) “Percentage of guarantee” means the percentage established by the authority under sub. (3) (a).

**SECTION 3118.** 234.907 (3) (a) of the statutes is renumbered 234.907 (3) and amended to read:
234.907 (3) GUARANTEE OF COLLECTION. **Subject to par. (b), the** authority shall guarantee collection of a percentage, not exceeding 90%, of the principal of any loan eligible for a guarantee under sub. (2). The authority shall establish the percentage of the unpaid principal of an eligible loan that will be guaranteed, using the procedures described in the guarantee agreement under s. 234.93 (2) (a). The authority may establish a single percentage for all guaranteed loans or establish different percentages for eligible loans on an individual basis.

**SECTION 3119.** 234.907 (3) (b) of the statutes is repealed.

**SECTION 3120.** 234.91 (5) (a) of the statutes is amended to read:

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

**SECTION 3121.** 234.91 (5) (c) of the statutes is repealed.

**SECTION 3122.** 234.93 (3) (title) of the statutes is amended to read:

> 234.93 (3) (title) INCREASES OR DECREASES IN LOAN GUARANTEES; INCREASES OR DECREASES.

**SECTION 3123.** 234.93 (3) of the statutes is renumbered 234.93 (3) (b) and amended to read:

> 234.93 (3) (b) The authority may request the joint committee on finance to take action under s. 13.10 to permit the authority to increase or decrease the total principal amount or total outstanding guaranteed principal amount of loans that it may guarantee under a program the aggregate of the programs guaranteed by the Wisconsin development reserve fund. Included with its request, the authority shall
provide a projection, for the next June 30, that compares the amounts required on
that date to pay outstanding claims and to fund guarantees under all the aggregate
of the programs guaranteed by funds from the Wisconsin development reserve fund,
and the balance remaining in the Wisconsin development reserve fund on that date
after deducting such amounts, if the increase or decrease is approved, with such
amounts and the balance remaining, if the increase or decrease is not approved.

SECTION 3124. 234.93 (3) (a) of the statutes is created to read:

234.93 (3) (a) Except as provided in par. (b), the total principal amount or total
outstanding guaranteed principal amount of all loans that the authority may
guarantee under the aggregate of the programs guaranteed by funds from the
Wisconsin development reserve fund, excluding the program under s. 234.935, 1997
stats., may not exceed $62,000,000.

SECTION 3125. 234.93 (4) (a) 2. of the statutes is amended to read:

234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by
funds from the Wisconsin development reserve fund, except for the program under
s. 234.935, 1997 stats., at a ratio of $1 of reserve funding to $4.50 of total
outstanding principal and outstanding guaranteed principal that the authority may
guarantee under all of those programs.

SECTION 3126. 234.93 (4m) of the statutes is amended to read:

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

SECTION 3127. Chapter 235 of the statutes is repealed.

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.

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 appointed by the governor 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.

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

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

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

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

(6) The board of directors shall appoint a chief executive officer who shall not
be a member of the board of directors and who shall serve at the pleasure of the board
of directors. The authority may delegate by resolution to one or more of its members
or its executive director any powers and duties that it considers proper. The chief
executive officer shall receive such compensation as may be determined by the board
of directors. The chief executive officer or other person designated by resolution of
the board of directors shall keep a record of the proceedings of the authority and shall
be custodian of all books, documents, and papers filed with the authority, the minute
book or journal of the authority, and its official seal. The chief executive officer or
other person may cause copies to be made of all minutes and other records and
documents of the authority and may give certificates under the official seal of the
authority to the effect that such copies are true copies, and all persons dealing with
the authority may rely upon such certificates.

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

(a) Adopt bylaws and policies and procedures for the regulation of its affairs
and the conduct of its business.
(b) Contract for any legal services required for the authority.

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

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

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

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

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

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

(2) Sue and be sued.

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

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

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

(6) Enter into contracts with 3rd parties as are necessary for the rehabilitation, repair, replacement, operation, or maintenance of the navigational system.
(7) Acquire, lease, subject to s. 237.05 (2), and dispose of property as is necessary for the rehabilitation, repair, replacement, operation, or maintenance of the navigational system.

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

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

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

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

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

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

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

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

2. Describes how the authority will manage its funds to ensure that sufficient funding is available to abandon the navigational system if the operation of the navigational system is no longer feasible.
(b) The authority shall submit the plan under par. (a) within 180 days after the date on which the state and the authority enter into the lease agreement specified in s. 237.06.

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

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

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

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

237.08 Sources of funding. (1) Federal funding. The authority shall accept federal funding for the rehabilitation, repair, replacement, operation, and maintenance of the navigational system and shall agree with any conditions attached to the funding.

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

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

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

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

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

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

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

(3) If the authority contracts with more than one corporation under s. 237.03 (1) (e), all of the corporations shall make the effort to raise the total of $2,750,000.
237.10 Rapide Croche lock. (1) Upon entering into the lease under s. 237.06, the authority shall maintain the sea lamprey barrier at the Rapide Croche lock according to specifications of the department of natural resources in order to prevent sea lampreys and other aquatic nuisance from moving upstream.

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

237.11 Political activities. (1) No employee of the authority may directly or indirectly solicit or receive subscriptions or contributions for any partisan political party or any political purpose while engaged in his or her official duties as an employee. No employee of the authority may engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold partisan political office while engaged in his or her official duties as an employee or engage in any political activity while not engaged in his or her official duties as an employee to such an extent that the person's efficiency during working hours will be impaired or that he or she will be tardy or absent from work. Any violation of this section is adequate grounds for dismissal.

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

(3) An employee of the authority may be granted by the chief executive officer a leave of absence to participate in partisan political campaigning.
(4) Persons on leave of absence under sub. (2) or (3) shall not be subject to the restrictions of sub. (1), except as they apply to the solicitation of assistance, subscription, or support from any other employee in the authority.

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

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

237.13 Exemption. Any activity or project involving the navigational system, including abandonment of the navigational system, is exempt from any permit, license, or other approval required under ch. 30 or 31.

237.14 Abandonment. If the authority determines the operation of the navigational system is no longer feasible, the authority shall submit a plan to the department of administration and to the department of natural resources describing the steps the authority will take in abandoning the navigational system. The navigational system may not be abandoned unless both the department of administration and the department of natural resources determine that the plan for abandonment will preserve the public rights in the Fox River, will ensure safety, and will protect life, health, and property.

237.15 Transitional provisions. (1) Funding. The department of administration shall transfer the unencumbered balances in the appropriation accounts under s. 20.370 (9) (j) and (ju) to the authority on the day after the date on which the state and the authority enter into the lease agreement specified in s. 237.06.
(2) TRANSFERS. (a) The chairperson of the Fox River management commission and the chairperson of the board of directors of the authority, acting jointly, shall identify all of the following that will transfer from the commission to the authority:

1. Any assets and liabilities of the commission.

2. Any tangible personal property, including records, of the commission.

3. Any contracts entered into by the commission, and any policies and procedures of the commission that will be in effect on the day after the date on which the state and the authority enter into the lease agreement specified in s. 237.06.

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

(c) On the day after the date on which the state and the authority enter into the lease agreement specified in s. 237.06, all the contracts identified under par. (a) 3. shall remain in effect and the authority shall, beginning on that day, carry out any such contractual obligations until modified or rescinded to the extent allowed under the contract.

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

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

SECTION 3129. 252.12 (title) of the statutes is amended to read:
252.12 (title) **Services relating to acquired immunodeficiency syndrome HIV and related infections, including hepatitis C virus infections; services and prevention.**

**SECTION 3130.** 252.12 (2) (a) (intro.) of the statutes is amended to read:

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

**SECTION 3131.** 252.12 (2) (a) 1. of the statutes is amended to read:

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

**SECTION 3132.** 252.12 (2) (a) 2. of the statutes is amended to read:

252.12 (2) (a) 2. *Grants to local projects.* The department shall make grants to applying organizations for the provision of acquired immunodeficiency syndrome HIV and related infection prevention information, the establishment of counseling support groups and the provision of direct care to persons with acquired immunodeficiency syndrome HIV infection, including those persons with hepatitis C virus infection.

**SECTION 3133.** 252.12 (2) (a) 3. (intro.) of the statutes is amended to read:

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

**SECTION 3134.** 252.12 (2) (a) 3. a. of the statutes is amended to read:

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

**SECTION 3135.** 252.12 (2) (a) 3. b. of the statutes is amended to read:

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

**SECTION 3136.** 252.12 (2) (a) 3. c. of the statutes is amended to read:

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

**SECTION 3137.** 252.12 (2) (a) 4. of the statutes is amended to read:

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

**SECTION 3138.** 252.12 (2) (a) 5. of the statutes is amended to read:
252.12 (2) (a) 5. ‘HIV seroprevalence studies.’ The department shall perform tests for the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV and, if appropriate, related infections and shall conduct behavioral surveys among population groups determined by the department to be highly at risk of becoming infected with or transmitting HIV and related infections. Information obtained shall be used to develop targeted HIV infection and related infection prevention efforts for these groups and to evaluate the state’s prevention strategies.

SECTION 3139. 252.12 (2) (a) 6. of the statutes is amended to read:

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

SECTION 3140. 252.12 (2) (a) 7. of the statutes is amended to read:

252.12 (2) (a) 7. ‘Contracts for counseling and laboratory testing services.’ The department shall distribute funding in each fiscal year to contract with organizations to provide, at alternate testing sites, anonymous or confidential counseling services for HIV and laboratory testing services for the presence of HIV and, if appropriate, related viruses.

SECTION 3141. 252.12 (2) (c) 2. of the statutes is amended to read:

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

**SECTION 3142.** 252.12 (2) (c) 3. of the statutes is amended to read:

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

**SECTION 3143.** 253.13 (2) of the statutes is amended to read:

253.13 (2) Tests; diagnostic, dietary and follow-up counseling program; fees. The department shall contract with the state laboratory of hygiene to perform the tests specified under this section and to furnish materials for use in the tests. The department shall provide necessary diagnostic services, special dietary treatment as prescribed by a physician for a patient with a congenital disorder as identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and his or her family. The state laboratory of hygiene board, on behalf of the department, shall impose a fee for tests performed under this section sufficient to pay for services provided under the contract and, The state laboratory of hygiene board shall include as part of this fee and pay to the department an amount sufficient to fund the provision of diagnostic and counseling services, special dietary treatment, and periodic evaluation of infant screening programs, the costs of consulting with experts under sub. (5), and the costs of administering the congenital disorder program under this section and shall credit these amounts to the appropriations under s. 20.435 (1) (jb) and (5) (ja).
SECTION 3144. 254.31 (10) of the statutes is amended to read:

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

SECTION 3145. 254.34 (1) (a) of the statutes is amended to read:

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

SECTION 3146. 254.34 (2) (c) of the statutes is created to read:

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

1. Operates radiation generating equipment.

2. Utilizes, stores, transfers, transports, or possesses radioactive materials.

3. Acts as a radiation safety consultant to any person who possesses a license or registration issued by the department under this subchapter.

SECTION 3147. 254.34 (2) (d) of the statutes is created to read:
254.34 (2) (d) Recognize certification by another state or by a nationally recognized certifying organization of an individual to perform acts under par. (c) 1. to 3. if the standards for the other state’s certification or the organization’s certification are substantially equivalent to the standards of the department for certification of individuals under par. (c).

SECTION 3148. 254.47 (1m) of the statutes is created to read:

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

SECTION 3149. 254.47 (2) of the statutes is amended to read:

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

SECTION 3150. 254.47 (4) of the statutes is amended to read:

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

SECTION 3151. 254.64 (1) (b) of the statutes is amended to read:

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

SECTION 3152. 254.64 (4) (b) of the statutes is amended to read:

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

SECTION 3153. 254.64 (4) (c) of the statutes is repealed.

SECTION 3154. 254.68 of the statutes is amended to read:

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

SECTION 3155. 254.69 (2) (am) of the statutes is amended to read:

254.69 (2) (am) In the administration of this subchapter or s. 254.47, the
department may enter into a written agreement with a local health department with
a jurisdictional area that has a population greater than 5,000, which designates the
local health department as the department’s agent in issuing permits to and making
investigations or inspections of hotels, restaurants, temporary restaurants, tourist
rooming houses, bed and breakfast establishments, campgrounds and camping
resorts, recreational and educational camps and public swimming pools. In a
jurisdictional area of a local health department without agent status, the
department of health and family services may issue permits, collect permit fees
established by rule under s. 254.68 and make investigations or inspections of hotels,
restaurants, temporary restaurants, tourist rooming houses, bed and breakfast
establishments, campgrounds and camping resorts, recreational and educational
camps and public swimming pools. If the department designates a local health
department as its agent, the department or local health department may require no
permit for the same operations other than the permit issued by the local health
department under this subsection. The department shall coordinate the designation
of agents under this subsection with the department of agriculture, trade and
consumer protection to ensure that, to the extent feasible, the same local health
department is granted agent status under this subsection and under s. 97.41. Except
as otherwise provided by the department, a local health department granted agent
status shall regulate all types of establishments for which this subchapter permits
the department of health and family services to delegate regulatory authority.

SECTION 3156. 255.06 (2) (b) of the statutes is repealed.

SECTION 3157. 255.075 of the statutes is renumbered 255.075 (intro.) and
amended to read:

255.075 Health screening for low-income women. (intro.) From the
appropriation account under s. 20.435 (5) (cb), the department shall on do all of the
following:

(1) On a regional basis award funds, as determined by the department, to
applicants to provide health care screening, referral, follow-up and patient
education to low-income, underinsured and uninsured women. Award of a grant to
an applicant under this section subsection is conditioned upon receipt by the
department of an agreement by the applicant to provide funds or in-kind services to
match 25% of the amount of a grant awarded.

Section 3158. 255.075 (2) of the statutes is created to read:

255.075 (2) Allocate and expend at least $20,000 in each fiscal year to develop
and provide media announcements and educational materials to promote health
care screening services for women that are available under a grant awarded under
sub. (1) and to promote breast cancer screening services that are available under s.
255.06.

Section 3159. 255.10 (intro.) of the statutes is amended to read:

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

Section 3160. 255.15 (3) (a) 2. of the statutes is amended to read:

255.15 (3) (a) 2. The Thomas T. Melvin youth tobacco prevention and education
program under s. 255.10, $1,000,000 $1,500,000 in fiscal year 1999–2000 and not
less than $1,000,000 in fiscal year 2000–01 2001–02 and $2,000,000 in each fiscal
year thereafter.

Section 3161. 281.17 (2) of the statutes is amended to read:

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

SECTION 3162. 281.58 (8) (c) of the statutes is amended to read:

281.58 (8) (c) Except as provided in par. (k), financial assistance may be provided for the design, planning, and construction of a collection system, interceptor, or individual system project in an unsewered municipality or an unsewered area of a municipality, only if the department finds that at least two-thirds of the initial flow will be for wastewater originating from residences in existence on October 17, 1972 the date that is 10 years before the day on which the department approves the facility plan under sub. (8s) for the project.

SECTION 3163. 281.58 (9) (e) of the statutes is amended to read:

281.58 (9) (e) If the governor’s recommendation, as set forth in the executive budget bill, for the amount under s. 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4) (f) for a biennium is 85% 75% or less of the amount of present value subsidy, general obligation bonding authority, or revenue bonding authority, respectively, requested for that biennium in the biennial finance plan submitted under s. 281.59 (3) (bm) 1., the department shall inform municipalities that, if the governor’s recommendations are approved, clean water fund program assistance during a fiscal year of that biennium will only be available to municipalities that submit financial assistance applications by the June 30 preceding that fiscal year.

SECTION 3164. 281.58 (9m) (f) (intro.) of the statutes is amended to read:
281.58 (9m) (f) (intro.) If the amount approved under s. 281.59 (3e) (b), the amount available under s. 20.866 (2) (tc), or the amount available under s. 281.59 (4) (f) for a biennium is 85% or less of the amount of present value subsidy, general obligation bonding authority, or revenue bonding authority, respectively, requested for that biennium in the biennial finance plan submitted under s. 281.59 (3) (bm) 1., all of the following apply:

SECTION 3165. 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

281.59 (3e) (b) 1. Equal to $85,200,000 $90,000,000 during the 1999–01 2001–03 biennium.

3. Equal to $1,000 for any biennium after the 1999–01 2001–03 biennium.

SECTION 3166. 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

281.59 (3m) (b) 1. Equal to $9,400,000 $9,110,000 during the 1999–01 2001–03 biennium.

2. Equal to $1,000 for any biennium after the 1999–01 2001–03 biennium.

SECTION 3167. 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

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

2. Equal to $1,000 for any biennium after the 1999–01 2001–03 biennium.

SECTION 3168. 281.59 (4) (f) of the statutes is amended to read:

281.59 (4) (f) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection can be fully paid on a timely basis from moneys received or anticipated to be received. Revenue obligations issued under this subsection for the clean water fund program shall not exceed $1,297,755,000
$1,389,755,000 in principal amount, excluding obligations issued to refund outstanding revenue obligation notes.

**SECTION 3169.** 281.61 (3) (b) of the statutes is repealed.

**SECTION 3170.** 281.61 (3) (c) of the statutes is amended to read:

281.61 (3) (c) The department may waive par. (a) or (b) upon the written request of a local governmental unit.

**SECTION 3171.** 281.65 (4) (f) of the statutes is amended to read:

281.65 (4) (f) Administer the distribution of grants and aids to governmental units for local administration and implementation of the program under this section. A grant awarded under this section may be used for cost-sharing for management practices and capital improvements, easements, or other activities determined by the department to satisfy the requirements of this section. A grant under this section to a lake district for a priority lake identified under sub. (3m) (b) 1. may be used for plan preparation, technical assistance, educational and training assistance, and ordinance development and administration. A grant may not be used for promotional items, except for promotional items that are used for informational purposes, such as brochures or videos.

**SECTION 3172.** 281.65 (4c) (am) 1. a. of the statutes is amended to read:

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

**SECTION 3173.** 281.65 (4c) (am) 2. of the statutes is amended to read:

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

**SECTION 3174.** 281.65 (4g) of the statutes is amended to read:
281.65 (4g) The department may contract with any person from the appropriation account under s. 20.370 (4) (at) (ac) for services to administer or implement this section, including information and education and training services. The department shall allocate $500,000 in each fiscal year from the appropriation account under s. 20.370 (4) (at) (ac) for contracts for educational and technical assistance related to the program under this section provided by the University of Wisconsin–Extension.

SECTION 3175. 281.65 (5m) of the statutes is amended to read:

281.65 (5m) Upon completion of plans by the department under sub. (4) (g), the governmental unit or regional planning commission under sub. (4m) and the department of agriculture, trade and consumer protection under sub. (5), and upon receiving the approval of the land and water conservation board, the department shall prepare and approve the final plan for a priority watershed or priority lake project. The department shall submit the final plan to the land and water conservation board for approval and may not implement the plan without that approval.

SECTION 3176. 281.65 (5q) of the statutes is created to read:

281.65 (5q) Notwithstanding sub. (5s), neither the department nor the land and water conservation board may extend funding under this section for a priority watershed or priority lake project beyond the following date:

(a) If a funding termination date was established for the priority watershed or priority lake project before January 1, 2001, that funding termination date.

(b) If a funding termination date was not established for the priority watershed or priority lake project before January 1, 2001, the funding termination date first established after December 31, 2000.
\textbf{SECTION 3177.} 281.68 (1) (ac) of the statutes is created to read:

281.68 (1) (ac) “Aquatic nuisance species” has the meaning given in s. 30.1255 (1).

\textbf{SECTION 3178.} 281.68 (1) (ar) of the statutes is created to read:

281.68 (1) (ar) “Paid membership” means members of a premier lake association that are current in the payment of their annual membership fees.

\textbf{SECTION 3179.} 281.68 (1) (au) of the statutes is created to read:

281.68 (1) (au) “Premier lake association” is an association that meets the qualifications under sub. (3m) (d).

\textbf{SECTION 3180.} 281.68 (1) (b) (intro.) of the statutes is renumbered 281.68 (1) (b) and amended to read:

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

\textbf{SECTION 3181.} 281.68 (1) (b) 1. of the statutes is renumbered 281.68 (3m) (a) 2. and amended to read:

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

\textbf{SECTION 3182.} 281.68 (1) (b) 2. of the statutes is renumbered 281.68 (3m) (a) 3. and amended to read:

281.68 (3m) (a) 3. \textbf{Demonstrates} Demonstrate that the substantial purpose of its past actions was to support the protection or improvement of one or more inland lakes for the benefit of the general public.
SECTION 3183. 281.68 (1) (b) 3. of the statutes is renumbered 281.68 (3m) (a) 4. and amended to read:

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

SECTION 3184. 281.68 (1) (b) 4. of the statutes is renumbered 281.68 (3m) (a) 5. and amended to read:

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

SECTION 3185. 281.68 (1) (b) 5. of the statutes is renumbered 281.68 (3m) (a) 6. and amended to read:

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

SECTION 3186. 281.68 (1) (b) 6. of the statutes is renumbered 281.68 (3m) (a) 7. and amended to read:

281.68 (3m) (a) 7. Has been in existence for at least one year.

SECTION 3187. 281.68 (1) (b) 7. of the statutes is renumbered 281.68 (3m) (a) 8. and amended to read:

281.68 (3m) (a) 8. Has at least 25 members.

SECTION 3188. 281.68 (1) (b) 8. of the statutes is renumbered 281.68 (3m) (a) 9. and amended to read:
281.68 (3m) (a) 9. Requires payment of an annual membership fee of not less than $10 nor more than $25 as set by the department by rule under par. (b).

**SECTION 3189.** 281.68 (1) (c) of the statutes is created to read:

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

**SECTION 3190.** 281.68 (2) of the statutes is renumbered 281.68 (2) (a) and amended to read:

281.68 (2) (a) AMOUNT OF GRANTS. The department may provide a grant of 75% of the cost of a lake management planning project up to a total of $10,000 per grant. Each grant may not exceed $10,000, except as provided in par. (b).

**SECTION 3191.** 281.68 (2) (b) of the statutes is created to read:

281.68 (2) (b) A grant made to a premier lake association under par. (a) may not exceed $25,000.

**SECTION 3192.** 281.68 (3) (a) of the statutes is amended to read:

281.68 (3) (a) Eligible recipients to consist of nonprofit conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified lake associations, premier lake associations, town sanitary districts, qualified school districts, public inland lake protection and rehabilitation districts, and other local governmental units, as defined in s. 66.0131 (1) (a), that are established for the purpose of lake management.

**SECTION 3193.** 281.68 (3) (b) 6. of the statutes is created to read:

281.68 (3) (b) 6. Providing programs and materials that promote the monitoring of private sewage systems, the reduction in the use of environmentally harmful chemicals, water safety, and the protection of natural lake ecosystems.
SECTION 3194. 281.68 (3m) (title) and (a) (intro.) of the statutes are created to read:

281.68 (3m) (title) QUALIFIED ENTITIES. (a) (intro.) To be a qualified lake association, an association shall do all of the following:

SECTION 3195. 281.68 (3m) (a) 1. of the statutes is created to read:

281.68 (3m) (a) 1. Demonstrate that it is incorporated under ch. 181.

SECTION 3196. 281.68 (3m) (b) of the statutes is created to read:

281.68 (3m) (b) For purposes of par. (a) 9., the department shall set by rule the maximum amount and the minimum amount that may be charged as an annual membership fee.

SECTION 3197. 281.68 (3m) (c) of the statutes is created to read:

281.68 (3m) (c) To be a qualified school district, the board of the school district shall adopt a resolution to conduct a lake management planning project that will do all of the following:

1. Provide information or education on the use of lakes or natural lake ecosystems, on the quality of water in lakes, or on the quality of natural lake ecosystems.

2. Allow another eligible recipient of grants under this section to cooperate with the school district in the project.

SECTION 3198. 281.68 (3m) (d) of the statutes is created to read:

281.68 (3m) (d) To be a premier lake association, an association shall do all of the following:

1. Meet the qualifications for a qualified lake association under par. (a).
2. Demonstrate at the time of application for a grant under this section or s. 281.69 that it has a paid membership that is at least equal to 50% of the allowable combined membership under par. (a) 4. and 5.

3. Hold at least 2 regularly scheduled meetings of its members each year.

4. Distribute at least one annual newsletter published by the association.

5. Promote annual monitoring of private sewage systems and encourage real estate owners who are allowed to be members of the association under par. (a) 5. to upgrade failing systems.

6. Promote the use of phosphate-free or other environmentally safe soaps and detergent products by the residents and real estate owners who are allowed to be members of the association under par. (a) 4. and 5.

7. Promote water safety and the protection of the natural fish population in and wildlife population near each inland lake for which the association was incorporated.

8. Cooperate with any local, state, or federal programs that provide support for the protection or improvement of any of the inland lakes for which the association was incorporated.

9. Actively raise funds for all of the following:

   a. Signs at public access sites on each inland lake for which the association was incorporated that provide information on aquatic nuisance species.

   b. Washing stations to wash boats, boat trailers, and boating equipment.

   c. In-kind contributions to assist any efforts of the department to control aquatic nuisance species in each inland lake for which the association was incorporated.
d. Manuals for real estate owners and residents who are members of the association that address the issue of owner and resident responsibility for managing the resources of each inland lake for which the association was incorporated.

e. Surveys, on a regular basis, that monitor the water quality in each inland lake for which the association was incorporated.

**SECTION 3199.** 281.69 (1b) of the statutes is renumbered 281.69 (1b) (intro.) and amended to read:

281.69 (1b) **DEFINITIONS** (intro.) In this section, “lake”:

(ag) “Lake” includes a flowage.

**SECTION 3200.** 281.69 (1b) (b) of the statutes is created to read:

281.69 (1b) (b) “Premier lake association” is an association that meets the qualifications under s. 281.68 (3m) (d).

**SECTION 3201.** 281.69 (1b) (c) of the statutes is created to read:

281.69 (1b) (c) “Qualified lake association” is an association that meets the qualifications under s. 281.68 (3m) (a).

**SECTION 3202.** 281.69 (1b) (d) of the statutes is created to read:

281.69 (1b) (d) “Wetland” has the meaning given in s. 23.32 (1).

**SECTION 3203.** 281.69 (3) (a) of the statutes is amended to read:

281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns, villages, qualified lake associations, as defined in s. 281.68 (1) (b), premier lake associations, town sanitary districts, public inland lake protection and rehabilitation districts, and other local governmental units, as defined in s. 66.0131 (1) (a), that are established for the purpose of lake management.

**SECTION 3204.** 281.69 (3) (am) of the statutes is created to read:
281.69 (3) (am) That the department in providing grants for lake management projects give higher priority to premier lake associations over the other eligible recipients.

**SECTION 3205.** 281.69 (3) (b) 2. of the statutes is amended to read:

281.69 (3) (b) 2. The restoration of a wetland, as defined in s. 23.32 (1), if the restoration will protect or improve a lake’s water quality or its natural ecosystem.

**SECTION 3206.** 281.69 (3) (b) 2m. of the statutes is created to read:

281.69 (3) (b) 2m. The restoration of habitat in a littoral area of a lake or along its shoreline if the restoration will protect or improve the lake’s water quality or its natural ecosystem.

**SECTION 3207.** 281.69 (4m) of the statutes is created to read:

281.69 (4m) SIGNS FOR PREMIER LAKES. The department may expend up to $5,000 in each fiscal year from the appropriation under s. 20.370 (6) (ar) for the design and manufacture of signs, to be provided to premier lake associations, that identify the lakes for which the premier lake associations were incorporated.

**SECTION 3208.** 281.75 (4) (b) 3. of the statutes is amended to read:

281.75 (4) (b) 3. An authority created under ch. 231, 233 or 234, or 237.

**SECTION 3209.** 283.15 (5) (b) of the statutes is amended to read:

283.15 (5) (b) A variance applies for the term established by the secretary, but not to exceed 3 5 years. The term of the initial variance and any renewals thereof may not exceed the time that the secretary determines is necessary to achieve the water quality based effluent limitation. Initial and interim effluent limitations established under par. (c) 1. apply, as appropriate, for the term of the underlying permit as issued, reissued or modified to implement the decision under sub. (4) (b) or as extended by operation of s. 227.51 (2). Notwithstanding sub. (4) (d), s. 227.51
(2) shall apply for the purposes of continuing the provisions of a permit pending the issuance or reissuance of a permit. Upon the issuance or reissuance of the new permit, sub. (2) (a) 2. and s. 283.63 (1) (am) apply.

**SECTION 3210.** 283.15 (6) of the statutes is amended to read:

283.15 (6) RENEWAL. A variance may be renewed using the procedures in and subject to subs. (2) to (5), except that a permittee shall submit the application for renewal of its variance with the application for reissuance of its permit. A variance may not be renewed if the permittee did not submit the reports required under sub. (5) (c) 2. or substantially comply with all other conditions of the variance.

**SECTION 3211.** 283.33 (1) (b) of the statutes is amended to read:

283.33 (1) (b) A discharge of storm water from a municipal separate storm sewer system serving an incorporated area with a population of 100,000 or more, as determined by the 1990 federal census.

**SECTION 3212.** 283.33 (1) (c) of the statutes is created to read:

283.33 (1) (c) A discharge of storm water from a municipal separate storm sewer system serving an area located in an urbanized area, as determined by the U.S. bureau of the census based on the latest decennial federal census.

**SECTION 3213.** 283.33 (1) (cg) of the statutes is created to read:

283.33 (1) (cg) A discharge of storm water from a municipal separate storm sewer system serving an area with a population of 10,000 or more and a population density of 1,000 or more per square mile, if the system is designated by the department to be regulated under this section based on an evaluation of whether the storm water discharge results in, or has the potential to result in, water quality standards being exceeded, including impairment of designated uses, or in other significant water quality impacts, including habitat and biological impacts.
SECTION 3214. 283.33 (1) (cr) of the statutes is created to read:

283.33 (1) (cr) A discharge of storm water from a municipal separate storm sewer system that is designated by the department to be regulated under this section because the system contributes substantially to the pollutant loadings of a physically interconnected municipal separate storm sewer system that is regulated under this section.

SECTION 3215. 283.33 (1) (d) of the statutes is amended to read:

283.33 (1) (d) A discharge of storm water from a facility or activity, other than a facility or activity under pars. (a) or (b) to (cr), if the department determines that the discharge either contributes to a violation of a water quality standard or is a significant contributor of pollutants to the waters of the state.

SECTION 3216. 283.33 (4) (a) (intro.) of the statutes is amended to read:

283.33 (4) (a) (intro.) In addition to obtaining a permit under this section, the owner or operator of an industrial activity described in sub. (1) (a) that discharges storm water through a municipal separate storm sewer system described in sub. (1) (b) to (cr) shall submit the following information to the owner or operator of the municipal separate storm sewer system:

SECTION 3217. 283.33 (8) of the statutes is amended to read:

283.33 (8) RULE MAKING. The department shall promulgate rules containing criteria for identifying storm water discharges for which permits are required under sub. (1) for the administration of this section. The department may not require a permit under this section for diffused surface drainage or agricultural storm water discharges.

SECTION 3218. 283.84 (1) (c) of the statutes is amended to read:
283.84 (1) (c) Reaches an agreement with the department or a local
governmental unit, as defined in s. 16.97 22.01 (7), under which the person pays
money to the department or local governmental unit and the department or local
governmental unit uses the money to reduce water pollution in the project area.

SECTION 3219. 283.89 (2m) of the statutes is amended to read:

283.89 (2m) If the department finds a violation of s. 283.33 (1) to (8) for which
a person is subject to a forfeiture under s. 283.91 (2), the department may issue
a citation and, if the department does issue a citation, the procedures in ss. 23.50 to
23.99 apply.

SECTION 3220. 285.59 (1) (b) of the statutes is amended to read:

285.59 (1) (b) “State agency” means any office, department, agency, institution
of higher education, association, society or other body in state government created
or authorized to be created by the constitution or any law which is entitled to expend
moneys appropriated by law, including the legislature and the courts, the Wisconsin
Housing and Economic Development Authority, the Bradley Center Sports and
Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
Authority, the Fox River Navigational System Authority, and the Wisconsin Health
and Educational Facilities Authority.

SECTION 3221. 285.60 (2m) of the statutes is created to read:

285.60 (2m) GENERAL CONSTRUCTION PERMITS. The department may, by rule,
specify types of stationary sources that may obtain general construction permits. A
general construction permit may cover numerous similar stationary sources. A
general construction permit shall require any stationary source that is covered by
the general construction permit to comply with ss. 285.61 to 285.69. The department

SECTION 3222. 285.69 (2) (a) 8. of the statutes is amended to read:

285.69 (2) (a) 8. That the fee billed for each stationary source in each year after 2001 is based on the actual emissions of all regulated pollutants, and any other air contaminant specified by the department in the rules, in the preceding 5 years, using a 5-year rolling average year.

SECTION 3223. 287.23 (4) (intro.) of the statutes is renumbered 287.23 (4) and amended to read:

287.23 (4) APPLICATION. A responsible unit that seeks assistance under the program shall submit an application to the department on forms provided by the department. To qualify for a full grant, the responsible unit must submit the application no later than October 1 in the year preceding the year for which the assistance is sought. For the purpose of this subsection and sub. (5p), if an application is postmarked, it is considered to be submitted on the date that it is postmarked. An application shall include all of the following:

SECTION 3224. 287.23 (4) (a) to (e) of the statutes are repealed.

SECTION 3225. 287.23 (5) (c) 2. of the statutes is amended to read:

287.23 (5) (c) 2. Except as provided in subd. 5. or sub. (5e), for all other responsible units, the amount of the grant for 1993 through 1999 equals either 66% of the difference between eligible expenses and avoided disposal costs or $8 times the population of the responsible unit, whichever is less.

SECTION 3226. 287.23 (5m) of the statutes is amended to read:
287.23 (5m) **Alternate Process.** The department shall establish, by rule, a process for distributing grants if the amount that would be awarded under sub. (5) or (5e) exceeds the amount of funds available under s. 20.370 (6) (bq).

**Section 3227.** 287.24 of the statutes is created to read:

287.24 **Regional recycling program grants.** (1) Subject to sub. (2), from the appropriation under s. 20.370 (6) (bt), the department shall provide grants to groups of local governmental units, on a competitive basis, to assist those groups to establish regional recycling programs. The department shall select recipients based on the potential for reducing the costs of operating local recycling programs.

(2) The amount of a grant under this section may not exceed twice the amount contributed by the grant recipients. No group of local governmental units may receive more than one grant under this section.

(3) A grant under this section may be used for planning, acquiring a regional recycling processing facility and equipment for such a facility, and developing a regional collection system.

(4) The department shall promulgate rules for the administration of the grant program under this section.

**Section 3228.** 289.43 (8) (b) 4. of the statutes is created to read:

289.43 (8) (b) 4. Authorize use of the solid waste in public works projects.

**Section 3229.** 292.11 (9) (e) 1m. f. of the statutes is amended to read:

292.11 (9) (e) 1m. f. The local governmental unit acquired the property using funds appropriated under s. 20.866 (2) (ta) or (tz).

**Section 3230.** 292.13 (1m) (intro.) of the statutes is amended to read:

292.13 (1m) **Exemption from liability for soil contamination.** (intro.) A person is exempt from s. 292.11 (3), (4) and (7) (b) and (c) with respect to the existence
of a hazardous substance in the soil, including sediments, on property possessed or
controlled by the person if all of the following apply:

**SECTION 3231.** 292.15 (2) (a) 4. of the statutes is amended to read:

292.15 (2) (a) 4. **The If the voluntary party owns or controls the property, the**
voluntary party maintains and monitors the property as required under rules
promulgated by the department and any contract entered into under those rules.

**SECTION 3232.** 292.15 (2) (ae) 4. of the statutes is amended to read:

292.15 (2) (ae) 4. **The If the voluntary party owns or controls the property, the**
voluntary party maintains and monitors the property as required under rules
promulgated by the department and any contract entered into under those rules.

**SECTION 3233.** 292.15 (2) (ae) 7. of the statutes is created to read:

292.15 (2) (ae) 7. If the voluntary party owns the property, the voluntary party
allows the department, any authorized representative of the department, a
representative of a company that has issued insurance required under subd. 3m.,
any party that possessed or controlled the hazardous substance or caused the
discharge of the hazardous substance, and any consultant or contractor of any of
those persons to enter the property to determine whether natural attenuation has
failed and to take action to respond to the discharge if natural attenuation has failed.

**SECTION 3234.** 292.15 (2) (ag) of the statutes is amended to read:

292.15 (2) **(ag) Property affected by off-site discharge.** (intro.) Except as
provided in sub. (6) or (7), for a property on which there exists a hazardous substance
for which a voluntary party is exempt from liability under s. 292.13 (1) or (1m), a
voluntary party is exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42
(1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and
292.31 (8), and rules promulgated under those provisions, with respect to discharges
of hazardous substances on or originating from the property, if the release of those hazardous substances occurred prior to the date on which the department approves the environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4. to 6. apply and all of the following occur at any time before or after the date of acquisition:

1. The environment is restored to the extent practicable with respect to the discharges and the harmful effects from the discharges are minimized in accordance with rules promulgated by the department and any contract entered into under those rules, except that this requirement does not apply with respect to the hazardous substance for which the voluntary party is exempt from liability under s. 292.13 (1) or (1m).

2. The voluntary party obtains a certificate of completion from the department stating that the environment has been satisfactorily restored to the extent practicable with respect to the discharges and that the harmful effects from the discharges have been minimized, except with respect to the hazardous substance for which the voluntary party is exempt from liability under s. 292.13 (1) or (1m).

3. The voluntary party obtains a written determination from the department under s. 292.13 (2) with respect to the hazardous substance for which the voluntary party is exempt from liability under s 292.13 (1) or (1m).

4. The voluntary party continues to satisfy the conditions under s. 292.13 (1) (d) to (g) or (1m) (d) to (g).

**SECTION 3235.** 292.15 (2) (at) of the statutes is repealed.

**SECTION 3236.** 292.15 (2) (b) 4. of the statutes is created to read:

292.15 (2) (b) 4. If the voluntary party does not own or control the property, the person who owns or controls the property fails to maintain and monitor the property
as required under rules promulgated by the department or any contract entered into under those rules.

**SECTION 3237.** 292.15 (2) (b) 5. of the statutes is created to read:

292.15 (2) (b) 5. If the voluntary party does not own or control the property, the person who owns or controls the property fails to allow the department, any authorized representative of the department, any representative of a company that has issued insurance required under par. (ae) 3m., any party that possessed or controlled the hazardous substance or caused the discharge of the hazardous substance, or any consultant or contractor of any of those persons to enter the property to determine whether natural attenuation has failed and to take action to respond to the discharge if natural attenuation has failed.

**SECTION 3238.** 292.15 (2) (c) of the statutes is amended to read:

292.15 (2) (c) *Prohibition on action.* The department of justice may not commence an action under 42 USC 9607 against any voluntary party meeting the criteria of this subsection to recover costs for which the voluntary party is exempt under pars. (a), (ae), (ag), (am), (at) and (b).

**SECTION 3239.** 292.15 (2) (e) of the statutes is amended to read:

292.15 (2) (e) *Contract with insurer.* If the department requires insurance under par. (ae) 3m. or (at) 3., the department may contract with an insurer to provide insurance required under par. (ae) 3m. or (at) 3. and may require voluntary parties to obtain coverage under the contract.

**SECTION 3240.** 292.15 (3) of the statutes is amended to read:

292.15 (3) *Successors and Assigns.* An exemption provided in sub. (2) applies to any successor or assignee of the voluntary party if the successor or assignee complies with the provisions of sub. (2) (a) 4. and 5. or (ae) 3m., 4. and 5., and 7. and,
if applicable, sub. (2) (ag) 4. or (am) as though the successor or assignee were the voluntary party except that the exemption in sub. (2) does not apply if the successor or assignee knows that a certificate under sub. (2) (a) 3., (ae) 3., (ag) 2. or (am) was obtained by any of the means or under any of the circumstances specified in sub. (2) (a) 6.

SECTION 3241. 292.15 (6) (a) of the statutes is renumbered 292.15 (6).

SECTION 3242. 292.15 (6) (b) of the statutes is repealed.

SECTION 3243. 292.21 (1) (c) 2. g. of the statutes is amended to read:

292.21 (1) (c) 2. g.  A review to determine if the real property is listed in any of the written compilations of sites or facilities considered to pose a threat to human health or the environment, including the national priorities list under 42 USC 9605 (a) (8) (B); the federal environmental protection agency’s information system for the comprehensive environmental response, compensation and liability act, 42 USC 9601 to 9675, (CERCLIS); and the department’s most recent Wisconsin remedial response site evaluation report, including the inventory list or database of sites or facilities which may cause or threaten to cause environmental pollution that are environmentally contaminated required by s. 292.31 (1) (a); and the department’s registry of abandoned landfills.

SECTION 3244. 292.23 of the statutes is created to read:

292.23 Responsibility of local governmental units; solid waste. (1) Definition. In this section, “local governmental unit” means a municipality, a redevelopment authority created under s. 66.133, a public body designated by a municipality under s. 66.1337 (4), a community development authority, or a housing authority.
(2) Exemption from liability. Except as provided in sub. (3), a local governmental unit is exempt from s. 289.05, and rules promulgated under that section, with respect to property acquired by the local governmental unit before, on, or after the effective date of this subsection .... [revisor inserts date], if any of the following applies:

(a) The local governmental unit acquired the property through tax delinquency proceedings or as the result of an order by a bankruptcy court.

(b) The local governmental unit acquired the property from a local governmental unit that is exempt under this subsection with respect to the property.

(c) The local governmental unit acquired the property through a condemnation or other proceeding under ch. 32.

(d) The local governmental unit acquired the property for the purpose of slum clearance or blight elimination.

(e) The local governmental unit acquired the property through escheat.

(f) The local governmental unit acquired the property using funds appropriated under s. 20.866 (2) (ta) or (tz).

(3) Exceptions. (a) Subsection (2) does not apply with respect to a discharge of a hazardous substance caused by any of the following:

1. An action taken by the local governmental unit.

2. A failure of the local governmental unit to take appropriate action to restrict access to the property in order to minimize costs or damages that may result from unauthorized persons entering the property.

3. A failure of the local governmental unit to sample and analyze unidentified substances in containers stored aboveground on the property.
4. A failure of the local governmental unit to remove and properly dispose of, or to place in a different container and properly store, any hazardous substance stored aboveground on the property in a container that is leaking or is likely to leak.

(b) Subsection (2) does not apply if, after considering the intended development and use of the property, the department determines that action is necessary to reduce to acceptable levels any substantial threat to public health or safety when the property is developed or put to that intended use, the department directs the local governmental unit to take that necessary action, and the local governmental unit does not take that action as directed.

(c) Subsection (2) only applies if the local governmental unit agrees to allow the department, any authorized representatives of the department, any party that possessed or controlled a hazardous substance that was discharged or caused the discharge of a hazardous substance, and any consultant or contractor of such a party to enter the property to take action to respond to the discharge.

(d) Subsection (2) does not apply to property described in sub. (2) (f) unless the local governmental unit enters into an agreement with the department to ensure that the conditions in pars. (a) and (b) are satisfied.

(e) Subsection (2) does not apply to any solid waste facility, as defined in s. 289.01 (35), that was operated by the local governmental unit or was owned by the local governmental unit while it was operated, to a municipal waste landfill, as defined in s. 289.01 (22), or to an approved facility.

SECTION 3245. 292.31 (1) (title) of the statutes is amended to read:

292.31 (1) (title) INVENTORY LIST OR DATABASE; ANALYSIS; HAZARD-RANKING.

SECTION 3246. 292.31 (1) (a) (title) of the statutes is repealed and recreated to read:
292.31 (1) (a) (title) List or database.

SECTION 3247. 292.31 (1) (a) 1. of the statutes is repealed and recreated to read:

292.31 (1) (a) 1. The department shall compile and make available a list or database of all known sites or facilities in this state that are environmentally contaminated.

SECTION 3248. 292.31 (1) (a) 2. of the statutes is repealed.

SECTION 3249. 292.31 (1) (a) 3. of the statutes is amended to read:

292.31 (1) (a) 3. The decision of the department to include a site or facility on the inventory list or database under subd. 1, or exclude a site or facility from the inventory list or database is not subject to judicial review.

SECTION 3250. 292.31 (1) (a) 4. of the statutes is amended to read:

292.31 (1) (a) 4. Notwithstanding s. 227.01 (13) or 227.10 (1), the list or database of sites or facilities which results from the inventory under subd. 1, is not a rule.

SECTION 3251. 292.31 (1) (b) 1. of the statutes is amended to read:

292.31 (1) (b) 1. The department may take direct action under subd. 2. or 3. or may enter into a contract with any person to take the action. The department may take action under subd. 2. or 3. regardless of whether a site or facility is included on the inventory list or database under par. (a) or the hazard ranking list under par. (c).

SECTION 3252. 292.31 (1) (c) of the statutes is repealed.

SECTION 3253. 292.31 (2) (a) of the statutes is amended to read:

292.31 (2) (a) Methods for preparing the inventory and conducting the analysis list or database under sub. (1).

SECTION 3254. 292.31 (3) (c) of the statutes is amended to read:
292.31 (3) (c) Sequence of remedial action. In determining the sequence for taking remedial action under this subsection, the department shall consider the hazard ranking of degree to which each site or facility presents a substantial danger to public health or welfare or the environment, the potential urgency of taking remedial action at each site or facility, the amount of funds available, the information available about each site or facility, the willingness and ability of an owner, operator or other responsible person to undertake or assist in remedial action, the availability of federal funds under 42 USC 9601, et seq., and other relevant factors. The department shall give the highest priority to remedial action at sites or facilities which have caused contamination of a municipal water system in a town with a population greater than 10,000. If any such site or facility is eligible for federal funds under 42 USC s. 9601 to 9675, but the federal funds will not be available before January 1, 2000, the department shall proceed with remedial action using state funds.

SECTION 3255. 292.31 (3) (cm) of the statutes is amended to read:

292.31 (3) (cm) Remedial action schedule. The department shall commence remedial action as required under this paragraph for sites or facilities which are included on the hazard ranking list and that are determined to present a substantial danger to public health or welfare or the environment. The department shall commence remedial action at no less than 2 of the sites or facilities by January 1, 1989. The department shall commence remedial action at all of the sites or facilities by January 1, 2000. After January 1, 1989, and before January 1, 2000, the department shall annually commence remedial action at no less than 2 of the sites or facilities.

SECTION 3256. 292.31 (3) (d) of the statutes is amended to read:
292.31 (3) (d) Emergency responses. Notwithstanding rules promulgated under this section, the hazard ranking list, the considerations for taking action under par. (c) or the remedial action schedule under par. (cm), the department may take emergency action under this subsection and subs. (1) and (7) at a site or facility if delay will result in imminent risk to public health or safety or the environment. The department is not required to hold a hearing under par. (f) if emergency action is taken under this paragraph. The decision of the department to take emergency action is a final decision of the agency subject to judicial review under ch. 227.

SECTION 3257. 292.31 (4) of the statutes is amended to read:

292.31 (4) Monitoring costs at nonapproved facilities owned or operated by municipalities. Notwithstanding the inventory, analysis and hazard ranking list or database under sub. (1), the environmental response plan prepared under sub. (2) or the environmental repair authority, remedial action sequence and emergency response requirements under sub. (3), the department shall pay that portion of the cost of any monitoring requirement which is to be paid under s. 289.31 (7) (f) from the appropriation under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

SECTION 3258. 292.31 (5) of the statutes is amended to read:

292.31 (5) Municipal incinerator ash testing. Notwithstanding the inventory, analysis and hazard ranking list or database under sub. (1), the environmental response plan prepared under sub. (2), the environmental repair authority, remedial action sequence and emergency response requirements under sub. (3), or the monitoring costs under sub. (4), the department shall pay the cost incurred by a municipality after June 30, 1986, and before January 30, 1988, for testing required to determine whether the ash from a municipally owned incinerator is hazardous.
The department shall make payments under this subsection from the appropriation under s. 20.370 (2) (dv) prior to making other payments from that appropriation.

**SECTION 3259.** 292.31 (7) (am) of the statutes is created to read:

292.31 (7) (am) 1. The department may accept the transfer of an interest in property that was acquired by the federal environmental protection agency as part of a remedial action under the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC 9601 to 9675.

2. The department may acquire an interest in property from any person as part of a remedial action conducted in cooperation with the federal environmental protection agency if the acquisition is necessary to implement the remedy. Under this subdivision, the department may acquire an interest in property that is necessary to ensure that restrictions on the use of land or groundwater are enforceable. The department may expend moneys from the appropriations under ss. 20.370 (2) (dv) and 20.866 (2) (tg) if necessary to compensate a person for an interest in property acquired by the department under this subdivision.

3. The department may enforce the terms of any interest in property that it acquires under this paragraph.

**SECTION 3260.** 292.35 (1) (am) of the statutes is created to read:

292.35 (1) (am) “Financial assistance” means money, other than a loan, provided by this state to pay a portion of the cost of investigation and remedial action for a site or facility, except that “financial assistance” does not include money provided by the state because the state is a responsible party at a site or facility.

**SECTION 3261.** 292.35 (1) (d) of the statutes is created to read:

292.35 (1) (d) “Remedial action” means action that is taken in response to a discharge of a hazardous substance to restore the environment and minimize the
harmful effects of the discharge on the air, lands, and waters of this state, including actions taken immediately after the discharge occurs.

**SECTION 3262.** 292.35 (2) of the statutes is renumbered 292.35 (2) (intro.) and amended to read:

292.35 (2) **APPLICABILITY.** (intro.) This section only applies to a site or facility if the any of the following criteria is satisfied:

(a) The site or facility is owned by a local governmental unit. This section does not apply to a landfill until January 1, 1996 and, if the site or facility is a landfill, the landfill is closed under s. 289.05 (3).

**SECTION 3263.** 292.35 (2) (b) of the statutes is created to read:

292.35 (2) (b) The local governmental unit is a responsible party at the site or facility and all of the following apply:

1. The local governmental unit commits itself, by resolution of its governing body, to paying more than 50% of the amount determined by subtracting any financial assistance received for the site or facility from the total cost of investigation and remedial action for the site or facility.

2. If the site or facility is a landfill, the landfill is closed.

**SECTION 3264.** 292.35 (2g) (bg) of the statutes is created to read:

292.35 (2g) (bg) 1. A transporter who is notified by certified mail by a local governmental unit that the transporter is a responsible party at a site or facility shall submit any records requested by the local governmental unit relating to the transport and disposal of waste at the site or facility. The transporter shall submit the records to the local governmental unit within 90 days of receiving the request.

2. If any records requested under subd. 1. were lost or destroyed before the transporter received notice under subd. 1., the transporter may, within 90 days of
receiving the request under subd. 1., submit an affidavit that includes all of the following:

a. A statement that the records are no longer available.

b. A statement that the transporter will cooperate by providing depositions, statements, and other materials reasonably sought by the local governmental unit, or an allocator appointed under sub. (3) (a), that will aid in the process of allocating responsibility for the costs of investigation and remedial action at the site or facility.

c. A description of the process used by the transporter to search for the records.

3. A transporter shall provide depositions, statements, and other materials reasonably sought by the local governmental unit, or an allocator appointed under sub. (3) (a), that will aid in the process of allocating responsibility for the costs of investigation and remedial action at the site or facility.

4. If a transporter discovers additional records more than 90 days after receiving a request under subd. 1., the transporter shall immediately submit the records to the local governmental unit, along with an explanation of why the records were not submitted earlier.

SECTION 3265. 292.35 (2g) (br) of the statutes is created to read:

292.35 (2g) (br) If a person fails to comply with par. (b) or (bg), the local governmental unit may bring an action in circuit court to compel compliance. In an action under this paragraph, the court may require a person who failed to comply with par. (b) or (bg) to pay costs and, notwithstanding s. 814.04 (1), reasonable attorney fees.

SECTION 3266. 292.35 (2r) (a) of the statutes is amended to read:

292.35 (2r) (a) The local governmental unit shall, in consultation with the department, prepare a draft report that identifies and evaluates options for remedial
action plan at the site or facility and identifies the local governmental unit’s preferred remedial option. The local governmental unit shall submit the remedial action option report and a list of responsible parties to the department.

SECTION 3267. 292.35 (2r) (b) of the statutes is amended to read:

292.35 (2r) (b) Upon completion receipt of the draft remedial action plan option report, the local governmental unit shall send written notice to all responsible parties identified by the local governmental unit, provide public notice and conduct department shall schedule a public hearing to receive comments on the draft remedial action plan option report and the list of responsible parties. The department shall provide public notice of the hearing by publishing a class 2 notice, under ch. 985. The department shall provide notice to listed responsible parties by certified mail. The notice to responsible parties shall offer the person receiving the notice an opportunity to provide information regarding the status of that person or any other person as a responsible party, notice and a description of the public hearing, and a description of the procedures in this section. At the public hearing, the local governmental unit department shall solicit testimony on whether the draft preferred remedial option in the remedial action plan options report is the least costly most cost effective method of meeting the standards for remedial action promulgated by the department by rule. The local governmental unit department shall accept written comments for at least 30 days after the close of the public hearing.

SECTION 3268. 292.35 (2r) (c) of the statutes is amended to read:

292.35 (2r) (c) Upon No later than 90 days after the conclusion of the period for written comment, the local governmental unit department shall prepare a preliminary remedial action plan issue a decision specifying an approved remedial
option, taking into account the local governmental unit’s preferred remedial option, the written comments, and the comments received at the public hearing and shall submit the preliminary remedial action plan to the department for approval. The department may approve the preliminary remedial action plan as submitted or require modifications. If the department fails to issue a decision within the time required, the local governmental unit’s preferred remedial option is approved and constitutes the department’s decision. The decision is subject to review under s. 227.42 and to judicial review under ss. 227.52 to 227.58. A court shall conduct the review of a decision under this paragraph as expeditiously as possible. The decision concerning the remedial option is not subject to review in any other administrative or judicial proceeding. No later than 90 days after the conclusion of the period for written comment, the department shall also issue a list of responsible parties, making any revision to the list provided under par. (a) that the department determines is appropriate, taking into account the written comments and the comments received at the public hearing.

**Section 3269.** 292.35 (3) (title) of the statutes is amended to read:

292.35 (3) (title) **Offer Cost Allocation, Offer to Settle; Selection of Umpire.**

**Section 3270.** 292.35 (3) (a) of the statutes is renumbered 292.35 (3) (as), and 292.35 (3) (as) (intro.) and 2., as renumbered, are amended to read:

292.35 (3) (as) (intro.) **Upon receiving the department’s approval of the preliminary remedial action plan** Once a cost allocation decision has been made under par. (am), the local governmental unit shall serve provide an offer to settle regarding the contribution of funds for investigation and remedial action at the site or facility on based on the cost allocation decision to each of the responsible parties identified by the local governmental unit, using the procedure for service of a
summons under s. 801.11 listed under sub. (2r) (c) by certified mail and shall notify the department that the offer to settle has been served mailed. The local governmental unit shall include in the offer to settle all of the following information:

2. The names, addresses, and contact persons, to the extent known, for all of the responsible parties identified by the local governmental unit.

SECTION 3271. 292.35 (3) (ac) of the statutes is created to read:

292.35 (3) (ac) The local governmental unit may appoint a person to make a cost allocation among the responsible parties at a site or facility. If the local governmental unit uses an allocator, the allocator shall submit a preliminary cost allocation to the local governmental unit no later than 90 days after the department issues a decision under sub. (2r) (c). If the local governmental unit does not use an allocator, the local governmental unit shall prepare a preliminary cost allocation no later than 90 days after the department issues a decision under sub. (2r) (c).

SECTION 3272. 292.35 (3) (ae) of the statutes is created to read:

292.35 (3) (ae) The local governmental unit shall hold a public hearing on the preliminary cost allocation under par. (ac). At least 14 days before the public hearing, the local governmental unit shall mail a notice of the public hearing to all responsible parties listed under sub. (2r) (c). The local governmental unit shall also publish a class 2 notice, under ch. 985, of the hearing in a local newspaper with circulation in the area where the site or facility is located. The local governmental unit shall accept comments on the cost allocation for 30 days after the close of the public hearing.

SECTION 3273. 292.35 (3) (am) of the statutes is created to read:

292.35 (3) (am) If an allocator is used under par. (ac), the allocator shall make a final cost allocation decision, taking into account the written comments and
comments received at the public hearing and subject to sub. (6m), and provide the cost allocation decision to the local governmental unit and the responsible parties no later than 90 days after the close of the public comment period under par. (ae). If no allocator is used, the local governmental unit shall make a final cost allocation decision, taking into account the written comments and comments received at the public hearing and subject to sub. (6m), and provide the cost allocation decision to the responsible parties no later than 90 days after the close of the public comment period under par. (ae).

SECTION 3274. 292.35 (3) (aw) of the statutes is created to read:

292.35 (3) (aw) If a responsible party accepts the offer to settle under par. (as), the responsible party shall notify the local governmental unit of the acceptance. If a responsible party rejects the offer to settle, the responsible party shall notify the local governmental unit, in writing, of the basis for the rejection no later than 30 days after receiving the offer to settle. Upon receipt of notice of rejection, the local governmental unit may request the department to select an umpire.

SECTION 3275. 292.35 (3) (b) of the statutes is amended to read:

292.35 (3) (b) The department shall maintain a list of competent and disinterested umpires who are environmental experts and are qualified to perform the duties under subs. (4) to (6). None of the umpires may be employees of the department. Upon receiving notice a request from a local governmental unit under par. (a) (aw), the secretary or his or her designee shall select an umpire from the list and inform the local governmental unit and responsible parties of the person selected.

SECTION 3276. 292.35 (3) (c) of the statutes is amended to read:
292.35 (3) (c) Within 10 days after receiving notice of the umpire selected by
the department under par. (b), the local governmental unit may notify the
department that the umpire selected is unacceptable. Within 10 days after receiving
notice of the umpire selected by the department under par. (b), a responsible party
may notify the department that the umpire selected is unacceptable or that the
responsible party does not intend to participate in the negotiation. Failure to notify
the department that the umpire is unacceptable shall be considered acceptance. If
all responsible parties identified by the local governmental unit indicate that they
do not intend to participate in the negotiation, the department shall inform the local
governmental unit and the local governmental unit shall cease further action under
this section.

Section 3277. 292.35 (4) (a) of the statutes is amended to read:

292.35 (4) (a) The umpire, immediately upon being appointed, shall contact the
department, the local governmental unit, and the responsible parties that received
the offer to settle and shall schedule the negotiating sessions. The umpire shall
schedule the first negotiating session no later than 20 days after being appointed.
The umpire may meet with all parties to the negotiation, individual parties or groups
of parties. The umpire shall facilitate a discussion between the local governmental
unit and the responsible parties to attempt to reach an agreement on the design and
implementation of the remedial action plan and the contribution of funds by the local
governmental unit and responsible parties.

Section 3278. 292.35 (5) of the statutes is amended to read:

292.35 (5) Agreement in negotiation. The local governmental unit and any of
the responsible parties may enter into any agreement in negotiation regarding the
design and implementation of the remedial action plan and the contribution of funds
by the local governmental unit and responsible parties for the investigation and
remedial action. The portion of the agreement containing the design and
implementation of the remedial action plan shall be submitted to the department for
approval. The department may approve that portion of the agreement as submitted
or require modifications.

SECTION 3279. 292.35 (6) (a) of the statutes is amended to read:

292.35 (6) (a) If the local governmental unit and any responsible parties are
unable to reach an agreement under sub. (5) by the end of the period of negotiation,
the umpire shall make a recommendation, subject to sub. (6m), regarding the design
and implementation of the remedial action plan and the contribution of funds for
investigation and remedial action by the local governmental unit and all responsible
parties that were identified by the local governmental unit listed under sub. (2r) (c)
and that did not reach an agreement under sub. (5), whether or not the responsible
parties participated in negotiations under sub. (4). The umpire shall submit the
recommendation to the department for its approval, the local governmental unit, and
all responsible parties affected by the recommendation within 20 60 days after the
end of the period of negotiation under sub. (4) (c). The department may approve the
recommendation as submitted or require modifications. The umpire shall distribute
a copy of the approved recommendation to the local governmental unit and all
responsible parties identified by the local governmental unit.

SECTION 3280. 292.35 (6m) of the statutes is created to read:

292.35 (6m) RESPONSIBILITY OF TRANSPORTER. (a) If a transporter complies with
sub. (2g) (bg) 1. to 3., a local governmental unit or other person making an allocation
under sub. (3) (a), an umpire making a recommendation under sub. (6) (a), or,
notwithstanding sub. (9) (c), a finder of fact making an apportionment under sub. (9)
(d) may not allocate to the transporter more than 15% of the costs allocated to responsible parties.

(b) 1. Except as provided in subd. 2., if a transporter fails to comply with sub. (2g) (bg) 1. to 3. or provides false information under those provisions, a local governmental unit or other person making an allocation under sub. (3) (a), an umpire making a recommendation under sub. (6) (a), or, notwithstanding sub. (9) (c), a finder of fact making an apportionment under sub. (9) (d) shall allocate to the transporter more than 15% of the costs allocated to responsible parties.

2. If a transporter provides information under sub. (2g) (bg) 1. to 3. after the day on which the information is required to be provided and an explanation of why the information was not provided sooner, a local governmental unit or other person making an allocation under sub. (3) (a), an umpire making a recommendation under sub. (6) (a), or, notwithstanding sub. (9) (c), a finder of fact making an apportionment under sub. (9) (d) may allocate to the transporter less than 15% of the costs allocated to responsible parties.

**SECTION 3281.** 292.35 (7) of the statutes is amended to read:

292.35 (7) RESPONSIBLE PARTIES SUBJECT TO AN OFFER TO SETTLE, AGREEMENT, OR RECOMMENDATION. A responsible party that accepts an offer to settle under sub. (3) (aw), that enters into an agreement under sub. (5) with a local governmental unit, or that accepts the umpire’s recommendation under sub. (6), if the local governmental unit does not reject the recommendation, is required to comply with the offer to settle, agreement, or recommendation. When the responsible party has complied with the offer to settle, agreement, or recommendation, the responsible party is not liable to the state, including under s. 292.11 (7) (b) or 292.31 (8), or to the local governmental unit for any additional costs of the investigation or remedial
action; the responsible party is not liable to any other responsible party for
contribution to costs incurred by any other responsible party for the investigation or
remedial action; and the responsible party is not subject to an order under s. 292.11
(7) (c) for the discharge that is the subject of the offer to settle, agreement, or
recommendation.

SECTION 3282. 292.35 (8) (b) 2. of the statutes is amended to read:

292.35 (8) (b) 2. The responsible party accepts an offer to settle under sub. (3)
(aw) or the local governmental unit and the responsible party enter into an
agreement under sub. (5) or accept the umpire’s recommendation under sub. (6), the
responsible party does not comply with the requirements of the offer to settle,
agreement, or recommendation; and the local governmental unit recovers a
judgment against that responsible party based on the offer to settle, agreement, or
recommendation.

SECTION 3283. 292.35 (9) (a) 1. of the statutes is renumbered 292.35 (9) (a) and
amended to read:

292.35 (9) (a) This subsection applies only to a site or facility that satisfies the
applicability provisions of sub. (2) and for which the remedial action specified in an
agreement under sub. (5) or a recommendation under sub. (6) is completed has
begun.

SECTION 3284. 292.35 (9) (b) of the statutes is amended to read:

292.35 (9) (b) Except as provided in pars. (bm), (br), and (e), sub. (7) and s.
292.21, a responsible party is liable for a portion of the costs, as determined under
pars. (c) to (e), that have been or will be incurred by a local governmental unit for
remedial action in an agreement under sub. (5) or a recommendation under sub. (6)
and for any related investigation. A right of action shall accrue to a local
governmental unit against the responsible party for costs listed in this paragraph.

**SECTION 3285.** 292.35 (9) (c) of the statutes is amended to read:

292.35 (9) (c) The Except as provided in sub. (6m), the liability of each party
to the action to recover costs under par. (b) is limited to a percentage of the cost of the
remedial action that is determined by dividing the percentage of that party’s
contribution to the environmental pollution resulting from the disposal or discharge
of a hazardous substance at the site or facility by the percentage of contribution of
all responsible parties to the environmental pollution resulting from the disposal or
discharge of a hazardous substance at the site or facility. Section 895.045 does not
apply to this paragraph.

**SECTION 3286.** 292.35 (9) (cs) of the statutes is created to read:

292.35 (9) (cs) If this state provides financial assistance for a site or facility, the
finder of fact shall apply the financial assistance toward the amount that cannot be
collected from a responsible party because the responsible party is unidentifiable,
deceased, insolvent, or a dissolved corporation, before applying par. (c) to determine
the liability of the responsible parties from which it is possible to collect.

**SECTION 3287.** 292.35 (9) (d) 7. of the statutes is created to read:

292.35 (9) (d) 7. The extent to which the party cooperated and assisted in the
process under subs. (2g) to (5).

**SECTION 3288.** 292.65 (1) (intro.) of the statutes is amended to read:

292.65 (1) DEFINITIONS. (intro.) In this section and s. 292.66:

**SECTION 3289.** 292.65 (1) (b) of the statutes is amended to read:
292.65 (1) (b) “Case closure letter” means a letter provided by the department that states that, based on information available to the department, no further remedial action is necessary with respect to a dry cleaning solvent product discharge.

**SECTION 3290.** 292.65 (1) (d) (intro.) of the statutes is amended to read:

292.65 (1) (d) (intro.) “Dry cleaning facility” means a facility for dry cleaning apparel or household fabrics for the general public using a dry cleaning product, other than a facility that is one of the following:

**SECTION 3291.** 292.65 (1) (e) of the statutes is amended to read:

292.65 (1) (e) “Dry cleaning solvent product” means a chlorine-based or hydrocarbon-based formulation or product that is used as a primary cleaning agent in dry cleaning facilities hazardous substance used to clean apparel or household fabrics, except for a hazardous substance used to launder apparel or household fabrics.

**SECTION 3292.** 292.65 (1) (gm) of the statutes is amended to read:

292.65 (1) (gm) “Immediate action” means a remedial action that is taken within a short time after a discharge of dry cleaning solvent product occurs, or after the discovery of a discharge of dry cleaning solvent product, to halt the discharge, contain or remove discharged dry cleaning solvent product, or remove contaminated soil or water in order to restore the environment to the extent practicable and to minimize the harmful effects of the discharge to air, lands, and waters of the state and to eliminate any imminent threat to public health, safety, or welfare.

**SECTION 3293.** 292.65 (1) (gs) of the statutes is created to read:

292.65 (1) (gs) “Interim action” means a remedial action that is taken to contain or stabilize a discharge of a dry cleaning product, in order to minimize any threats
to public health, safety, or welfare or to the environment, while other remedial actions are being planned.

**SECTION 3294.** 292.65 (4) (b) of the statutes is amended to read:

292.65 (4) (b) **Report.** An owner or operator shall report a dry cleaning solvent product discharge to the department in a timely manner, as provided in s. 292.11.

**SECTION 3295.** 292.65 (4) (e) of the statutes is amended to read:

292.65 (4) (e) **Investigation.** After notifying the department under par. (c) 1., if applicable, and before conducting remedial action activities, an owner or operator shall complete an investigation to determine the extent of environmental impact of the dry cleaning solvent product discharge, except as provided in pars. (g) and (h).

**SECTION 3296.** 292.65 (4) (h) of the statutes is repealed and recreated to read:

292.65 (4) (h) **Interim action.** An owner or operator is not required to complete an investigation or prepare a remedial action plan before conducting an interim action activity if the department determines that an interim action is necessary.

**SECTION 3297.** 292.65 (4) (i) of the statutes is amended to read:

292.65 (4) (i) **Review of site investigation and remedial action plan.** The department shall, at the request of an owner or operator, review the site investigation results and the remedial action plan and advise the owner or operator on the adequacy of the proposed remedial action activities in meeting the requirements of this section. The department shall complete the review of the site investigation and remedial action plan within 45 days. The department shall also provide an estimate of when funding will be available to pay an award for remedial action conducted in response to the dry cleaning solvent product discharge.

**SECTION 3298.** 292.65 (4) (j) (intro.) and 1. of the statutes are amended to read:
292.65 (4) (j) Remedial action. (intro.) The owner or operator shall conduct all remedial action activities that are required under this section in response to the dry cleaning solvent product discharge, including all of the following:

1. Recovering any recoverable dry cleaning solvent product from the environment.

**SECTION 3299.** 292.65 (5) (b) (intro.) of the statutes is amended to read:

292.65 (5) (b) (intro.) An owner or operator who is required to implement enhanced pollution prevention measures under par. (a) shall demonstrate all of the following:

**SECTION 3300.** 292.65 (5) (b) 1. of the statutes is amended to read:

292.65 (5) (b) 1. That the owner or operator manages all wastes that are generated at the dry cleaning facility and that contain dry cleaning solvent product as hazardous wastes in compliance with ch. 291 and 42 USC 6901 to 6991i.

**SECTION 3301.** 292.65 (5) (b) 1. of the statutes, as affected by 2001 Wisconsin Act .... (this act), is renumbered 292.65 (5) (c) 1.

**SECTION 3302.** 292.65 (5) (b) 2. of the statutes is amended to read:

292.65 (5) (b) 2. That the dry cleaning facility does not discharge dry cleaning solvent product or wastewater from dry cleaning machines into any sanitary sewer or septic tank or into the waters of this state.

**SECTION 3303.** 292.65 (5) (b) 2. of the statutes, as affected by 2001 Wisconsin Act .... (this act), is renumbered 292.65 (5) (c) 2.

**SECTION 3304.** 292.65 (5) (b) 3. of the statutes is amended to read:

292.65 (5) (b) 3. That each machine or other piece of equipment in which dry cleaning solvent product is used, or the entire area in which those machines or pieces of equipment are located, is surrounded by a containment dike or other containment
structure that is able to contain any leak, spill, or other release of dry cleaning solvent product from the machines or other pieces of equipment.

SECTION 3305. 292.65 (5) (b) 4. of the statutes is amended to read:

292.65 (5) (b) 4. That the floor within any area surrounded by a dike or other containment structure under subd. 3. is sealed or is otherwise impervious to dry cleaning solvent product.

SECTION 3306. 292.65 (5) (b) 5. of the statutes is amended to read:

292.65 (5) (b) 5. That all dry cleaning solvent is any perchloroethylene delivered to the dry cleaning facility is delivered by means of a closed, direct-coupled delivery system.

SECTION 3307. 292.65 (5) (b) 5. of the statutes, as affected by 2001 Wisconsin Act .... (this act), is renumbered 292.65 (5) (c) 3.

SECTION 3308. 292.65 (5) (c) (intro.) of the statutes is created to read:

292.65 (5) (c) The owner or operator of a dry cleaning facility is not eligible for an award under this section unless the owner or operator has implemented the following enhanced pollution prevention measures:

SECTION 3309. 292.65 (7) (a) (intro.) of the statutes is amended to read:

292.65 (7) (a) General. (intro.) Subject to pars. (c), (ce), (cm), and (d), eligible costs for an award under this section include reasonable and necessary costs paid incurred by the owner or operator of a dry cleaning facility because of a discharge of dry cleaning product at the dry cleaning facility for the following items only:

SECTION 3310. 292.65 (7) (a) 2. of the statutes is amended to read:

292.65 (7) (a) 2. Investigation and assessment of contamination caused by a dry cleaning solvent product discharge from a dry cleaning facility.

SECTION 3311. 292.65 (7) (a) 8. of the statutes is amended to read:
292.65 (7) (a) 8. Maintenance of equipment for dry cleaning solvent product recovery performed as part of remedial action activities.

SECTION 3312. 292.65 (7) (a) 13. of the statutes is repealed.

SECTION 3313. 292.65 (7) (c) 3. of the statutes is amended to read:

292.65 (7) (c) 3. Other costs that the department determines to be associated with, but not integral to, the investigation and remediation of a dry cleaning solvent product discharge from a dry cleaning facility.

SECTION 3314. 292.65 (7) (d) of the statutes is amended to read:

292.65 (7) (d) Discharges from multiple activities. If hazardous substances are discharged at a dry cleaning facility as a result of dry cleaning operations and as a result of other activities, eligible costs under this section are limited to activities necessitated by the discharge of dry cleaning solvent product.

SECTION 3315. 292.65 (8) (a) (intro.) of the statutes is amended to read:

292.65 (8) (a) Application. (intro.) An owner or operator shall submit an application on a form provided by the department. An owner or operator may not submit an application before September 1, 1998. An owner or operator may not submit an application after August 30, 2003, if the application relates to a dry cleaning facility that ceased to operate before September 1, 1998. An owner or operator may not submit an application after August 20, 2008, if the application relates to any other dry cleaning facility. The department shall authorize owners and operators to apply for awards at stages in the process under sub. (4) that the department specifies by rule. An application shall include all of the following documentation of activities, plans, and expenditures associated with the eligible costs incurred because of a dry cleaning solvent product discharge from a dry cleaning facility:
**SECTION 3316.** 292.65 (8) (d) 7. of the statutes is amended to read:

292.65 (8) (d) 7. The applicant has not paid all of the fees under ss. 77.9961, and 77.9962 and 77.9963.

**SECTION 3317.** 292.65 (8) (d) 8. of the statutes is amended to read:

292.65 (8) (d) 8. The dry cleaning solvent product discharge was caused by a person who provided services or products to the owner or operator or to a prior owner or operator of the dry cleaning facility, including a person who provided perchloroethylene to the owner or operator or prior owner or operator of a dry cleaning facility using a system other than a closed, direct-coupled delivery system.

**SECTION 3318.** 292.65 (8) (e) 1. of the statutes is renumbered 292.65 (8) (e), and 292.65 (8) (e) (intro.), as renumbered, is amended to read:

292.65 (8) (e) Deductible. (intro.) The department may reimburse the owner or operator of a dry cleaning facility that is operating at the time that the owner or operator applies under par. (a) only for eligible costs incurred at each dry cleaning facility that exceed the following deductible:

**SECTION 3319.** 292.65 (8) (e) 3. of the statutes is repealed.

**SECTION 3320.** 292.65 (11) of the statutes is amended to read:

292.65 (11) Environmental Fund Reimbursement. If the department expends funds from the environmental fund under s. 292.11 (7) (a) or 292.31 (3) (b) because of a discharge of dry cleaning solvent product at a dry cleaning facility, the department shall transfer from the appropriation account under s. 20.370 (6) (eq) to the environmental fund an amount equal to the amount expended under s. 292.11 (7) (a) or 292.31 (3) (b). The department shall make transfers under this subsection when the department determines that sufficient funds are available in the appropriation account under s. 20.370 (6) (eq).
SECTION 3321. 292.65 (13) of the statutes is amended to read:

292.65 (13) COUNCIL. The dry cleaner environmental response council shall advise the department concerning the programs program under this section and s. 292.66. The dry cleaner environmental response council shall evaluate the program under this section at least every 5 years, using criteria developed by the council.

SECTION 3322. 292.66 of the statutes is repealed.

SECTION 3323. 292.75 of the statutes is renumbered 560.132, and 560.132 (1) (b), (2) (a) and (6), as renumbered, are amended to read:

560.132 (1) (b) “Local governmental unit” means a city, village, town, county, redevelopment authority created under s. 66.431 66.1333, community development authority created under s. 66.4325 66.1335, or housing authority.

(2) (a) The department shall administer a program to award brownfield site assessment grants from the appropriation under s. 20.370 (6) (et) 20.143 (1) (qm) to local governmental units for the purposes of conducting any of the eligible activities under sub. (3). In fiscal year 2001–02, the department shall allocate $1,000,000 for grants under this section.

(6) LIMITATION OF GRANT. The total amount of all grants awarded to a local governmental unit in a fiscal year under this section shall be limited to an amount equal to 15% of the available funds appropriated under s. 20.370 (6) (et) for the program under this section for the fiscal year.

SECTION 3324. 292.77 of the statutes is repealed.

SECTION 3325. 292.99 (1m) of the statutes is amended to read:

292.99 (1m) Any person who violates s. 292.65 (12m) or 292.66 (5) shall forfeit not less than $10 nor more than $10,000.

SECTION 3326. 299.83 of the statutes is created to read:
Green tier program. (1) Definitions. In this section:

(a) “Approval” means a permit, license, or other approval issued by the department under chs. 280 to 295.

(am) “Covered facility or activity” means a facility or activity that is included, or intended to be included, in the green tier program.

(b) “Environmental management system” means an organized set of procedures to evaluate environmental performance and to achieve measurable or noticeable improvements in that environmental performance through planning and changes in operations.

(bm) “Environmental management system audit” means a review, of an environmental management system, that is conducted in accordance with standards and guidelines issued by the International Organization for Standardization and the results of which are documented and communicated to employees of the participant.

(c) “Environmental performance,” unless otherwise qualified, means the effects, whether regulated under chs. 160 and 280 to 299 or unregulated, of a facility or activity on air, water, land, natural resources, and human health.

(cm) “Environmental performance evaluation” means a systematic, documented, and objective review, conducted by or on behalf of the owner or operator of a facility, of the environmental performance of the facility, including an evaluation of compliance with one or more environmental requirements.

(d) “Environmental requirement” means a requirement in chs. 160 or 280 to 299, a rule promulgated under one of those chapters, or a permit, license, other approval, or order issued by the department under one of those chapters.

(e) “Green tier contract” means a contract entered into by the department and a participant in tier III of the green tier program, and that may, with the approval
of the department, be signed by other interested parties, that specifies the
participant’s commitment to superior environmental performance and the
incentives to be provided to the participant.

(f) “Green tier program” means the program under this section.

(fm) “Regulated entity” means a public or private entity that is subject to
environmental requirements.

(g) “Superior environmental performance” means one of the following:

1. That an entity limits the discharges or emissions of pollutants from, or in
some other way minimizes the negative effects on air, water, land, natural resources,
or human health of, a facility that is owned or operated by the entity or an activity
that is performed by the entity to an extent that is greater than is required by
applicable environmental requirements.

2. That an entity minimizes the negative effects on air, water, land, natural
resources, or human health of the raw materials used by the entity or the products
or services produced or provided by the entity to an extent that is greater than is
required by applicable environmental requirements.

3. That an entity voluntarily engages in restoring, enhancing, or preserving
natural resources.

4. That an entity helps other entities to comply with environmental
requirements or to accomplish the results described in subd. 1. or 2.

(h) “Violation” means a violation of an environmental requirement.

(2) ELIGIBLE PARTICIPANTS. Any regulated entity may participate in tier I of the
green tier program if the regulated entity qualifies for participation under sub. (3)
(a). Any public or private entity may apply to the department to participate in tier
II or tier III of the green tier program. A group of public or private entities may
together apply to the department to participate in tier II or tier III of the green tier program. An applicant for tier II or tier III of the green tier program shall identify the facilities or activities that it intends to include in the program.

(3) **Eligibility and Process for Tier I.** (a) **General eligibility.** A regulated entity qualifies for participation in tier I of the green tier program with respect to a facility owned or operated by the regulated entity if all of the following apply:

1. The regulated entity conducts an environmental performance evaluation of the facility or submits findings from the facility's environmental management system.
2. If the regulated entity conducts an environmental performance evaluation, the regulated entity notified the department in writing, no fewer than 30 days before beginning an environmental performance evaluation, of the date on which the environmental performance evaluation would begin, the site or facility or the operations or practices at a site or facility to be reviewed, and the general scope of the environmental performance evaluation.
3. If the regulated entity conducts an environmental performance evaluation, the environmental performance evaluation complies with par. (d).
4. If the regulated entity submits findings from the facility's environmental management system, the environmental management system complies with par. (e).
5. The regulated entity submits a report as required under par. (b).
6. At the time of submitting a report under par. (b), the department of justice has not, within 2 years, filed a suit to enforce an environmental requirement, and the department of natural resources has not, within 2 years, issued a citation to enforce an environmental requirement, because of a violation involving the facility.
(b) Report. To participate in tier I of the green tier program with respect to a facility, a regulated entity that owns or operates the facility shall submit a report to the department within 45 days after the date of the final written report of findings of an environmental performance evaluation of the facility or within 45 days after the date of findings from the facility's environmental management system. The report shall include all of the following:

1. a. If the regulated entity conducted an environmental performance evaluation, a description of the environmental performance evaluation, including the person who conducted the environmental performance evaluation, when it was completed, what activities and operations were examined, and what was revealed by the environmental performance evaluation.

b. If the regulated entity submits findings from an environmental management system, a description of the environmental management system, of the activities and operations covered by the environmental management system, and of who made the findings and when the findings were made.

2. If any violations were revealed by the environmental performance evaluation or the environmental management system, a description of those violations and of the length of time that the violations may have continued.

3. A description of actions taken or proposed to be taken to correct any violations described in subd. 2.

4. A commitment to correct any violations identified in subd. 2. within 90 days of submitting the report or according to a compliance schedule approved by the department.

5. If the regulated entity proposes to take more than 90 days to correct violations, a proposed compliance schedule that contains the shortest reasonable
periods for correcting the violations, a statement that justifies the proposed
compliance schedule, and a description of measures that the regulated entity will
take to minimize the effects of the violations during the period of the compliance
schedule.

6. If the regulated entity proposes to take more than 90 days to correct the
violations, the proposed stipulated penalties to be imposed if the regulated entity
violates the compliance schedule under subd. 5.

7. A description of the measures that the regulated entity has taken or will take
to prevent future violations and a timetable for taking the measures that it has not
yet taken.

(c) Public notice; comment period. 1. The department shall provide at least 30
days for public comment on a compliance schedule and stipulated penalties proposed
in a report under par. (b). The department may not approve or issue a compliance
schedule under par. (f) or approve stipulated penalties under par. (g) until after the
end of the comment period.

2. Before the start of the public comment period under subd. 1., the department
shall provide public notice of the proposed compliance schedule and stipulated
penalties that does all of the following:

a. Identifies the regulated entity that submitted the report under par. (b), the
facility at which the violation occurred, and the nature of the violation.

b. Describes the proposed compliance schedule and the proposed stipulated
penalties.

c. Identifies an employee of the department and an employee of the regulated
entity who may be contacted for additional information about the proposed
compliance schedule and the proposed stipulated penalties.
d. States that comments concerning the proposed compliance schedule and the
proposed stipulated penalties may be submitted to the department during the
comment period and states the last date of the comment period.

(d) Environmental performance evaluation. If a regulated entity conducts an
environmental performance evaluation under par. (a) 1., the regulated entity does
not qualify for participation in tier I of the green tier program unless the final written
report of findings of the environmental performance evaluation is labeled
“environmental performance evaluation report,” is dated, and, if the environmental
performance evaluation identifies violations, includes a plan for corrective action.
A regulated entity may use a form developed by the regulated entity, by a consultant,
or by the department for the final written report of findings of the environmental
performance evaluation.

(e) Environmental management system. If a regulated entity submits findings
from the facility’s environmental management system under par. (a) 1., the
regulated entity does not qualify for participation in tier I of the green tier program
unless the regulated entity’s efforts to prevent, detect, and correct violations are
appropriate to the size of the regulated entity and to the nature of its business and
are consistent with any criteria used by the federal environmental protection agency
to define due diligence in federal audit policies or regulations.

(f) Compliance schedules. 1. If the department receives a report under par. (b)
that contains a proposed compliance schedule under par. (b) 5., the department shall
review the proposed compliance schedule. The department may approve the
compliance schedule as submitted or propose a different compliance schedule. If the
regulated entity does not agree to implement a compliance schedule proposed by the
department, the department shall schedule a meeting with the regulated entity to
attempt to reach an agreement on a compliance schedule. If the department and the regulated entity do not reach an agreement on a compliance schedule, the department may issue a compliance schedule. A compliance schedule under this paragraph is subject to review under ch. 227.

2. The department may not approve or issue a compliance schedule that extends longer than 12 months beyond the date of approval of the compliance schedule. The department shall consider the following factors in determining whether to approve a compliance schedule:

   a. The environmental and public health consequences of the violations.

   b. The time needed to implement a change in raw materials or method of production if that change is an available alternative to other methods of correcting the violations.

   c. The time needed to purchase any equipment or supplies that are needed to correct the violations.

   (g) Stipulated penalties. 1. If the department receives proposed stipulated penalties under par. (b) 6., the department shall review the proposed stipulated penalties. The department may approve the stipulated penalties as submitted or propose different stipulated penalties. If the regulated entity does not agree to stipulated penalties proposed by the department, the department shall schedule a meeting with the regulated entity to attempt to reach an agreement on stipulated penalties. If no agreement is reached, there are no stipulated penalties for violations of the compliance schedule.

   2. Stipulated penalties approved under subd. 1. shall specify a period, not longer than 6 months beyond the end of the compliance schedule, during which the stipulated penalties will apply.
(4) INCENTIVES FOR TIER I. (a) Deferred civil enforcement. 1. a. For at least 90 days after the department receives a report that meets the requirements in sub. (3) (b), this state may not begin a civil action to collect forfeitures for violations that are disclosed in the report by a regulated entity that qualifies under sub. (3) (a) for participation in tier I of the green tier program.

   b. If a regulated entity that qualifies under sub. (3) (a) for participation in tier I of the green tier program corrects violations that are disclosed in a report that meets the requirements of sub. (3) (b) within 90 days after the department receives the report, this state may not bring a civil action to collect forfeitures for the violations.

   c. This state may not begin a civil action to collect forfeitures for violations covered by a compliance schedule that is approved under sub. (3) (f) during the period of the compliance schedule if the regulated entity is not violating the compliance schedule. If the regulated entity violates the compliance schedule, the department may collect any stipulated penalties during the period in which the stipulated penalties apply. This state may begin a civil action to collect forfeitures for violations that are not corrected by the end of the period in which the stipulated penalties apply. If the regulated entity violates the compliance schedule and there are no stipulated penalties, this state may begin a civil action to collect forfeitures for the violations.

   d. If the department approves a compliance schedule under sub. (3) (f) and the regulated entity corrects the violations according to the compliance schedule, this state may not bring a civil action to collect forfeitures for the violations.

2. Notwithstanding subd. 1., this state may at any time begin a civil action to collect forfeitures for violations if any of the following apply:

   a. The violations present an imminent threat to public health or the environment or may cause serious harm to public health or the environment.
b. The department discovers the violations before submission of a report under sub. (3) (b).

c. The violations resulted in a substantial economic benefit that gives the regulated entity a clear advantage over its business competitors.

d. The violations are identified through monitoring or sampling required by permit, statute, rule, regulation, judicial or administrative order, or consent agreement.

(b) Consideration of actions by regulated entity. If the department receives a report that complies with sub. (3) (b) from a regulated entity that qualifies under sub. (3) (a) for participation in tier I of the green tier program, and the report discloses a potential criminal violation, the department and the department of justice shall take into account the diligent actions of, and reasonable care taken by, the regulated entity to comply with environmental requirements in deciding whether to pursue a criminal enforcement action and what penalty should be sought. In determining whether a regulated entity acted with due diligence and reasonable care, the department and the department of justice shall consider whether the regulated entity has demonstrated any of the following:

1. That the regulated entity took corrective action that was timely when the violation was discovered.

2. That the regulated entity exercised reasonable care in attempting to prevent the violation and to ensure compliance with environmental requirements.

3. That the regulated entity had a documented history of good faith efforts to comply with environmental requirements before implementing its environmental management system or before beginning to conduct environmental performance evaluations.
4. That the regulated entity has promptly made appropriate efforts to achieve compliance with environmental requirements since implementing its environmental management system or since beginning to conduct environmental performance evaluations and that action was taken with due diligence.

5. That the regulated entity exercised reasonable care in identifying violations in a timely manner.

6. That the regulated entity willingly cooperated in any investigation that was conducted by this state or a local governmental unit to determine the extent and cause of the violation.

(c) Recognition. If a regulated entity conducts an environmental performance evaluation that complies with sub. (3) (d) at least every 2 years, submits a report that complies with sub. (3) (b) for each environmental performance evaluation, corrects any violations described in those reports, and otherwise qualifies under sub. (3) (a) for participation in tier I of the green tier program, all of the following apply:

1. The department shall issue to the regulated entity a numbered certificate of recognition.

2. The department shall identify the regulated entity, on an Internet site maintained by the department, as a participant in tier I of the green tier program.

3. The department shall annually provide notice of the regulated entity’s status as a participant in tier I of the green tier program to newspapers in the area in which facilities operated by the regulated entity are located.

4. The regulated entity may use a green tier logo selected by the department on written materials produced by the regulated entity.

(5) Eligibility for tier II. (a) General. An applicant is eligible for tier II of the green tier program if the applicant satisfies the requirements in pars. (b) to (d).
If an applicant consists of a group of entities, each requirement in pars. (b) to (d) applies to each entity in the group.

(b) Enforcement record. To be eligible to participate in tier II of the green tier program, an applicant shall demonstrate all of the following:

1. That, within 60 months before the date of application, no judgment of conviction was entered against the applicant, any managing operator of the applicant, or any person with a 25% or more ownership interest in the applicant for a criminal violation involving a covered facility or activity that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment.

2. That, within 36 months before the date of application, no civil judgment was entered against the applicant, any managing operator of the applicant, or any person with a 25% or more ownership interest in the applicant for a violation involving a covered facility or activity that resulted in substantial harm to public health or the environment.

3. That, within 24 months before the date of application, the department of justice has not filed a suit to enforce an environmental requirement, and the department of natural resources has not issued a citation to enforce an environmental requirement, because of a violation involving a covered facility or activity.

(c) Environmental performance. To be eligible to participate in tier II of the green tier program, an applicant shall submit an application that describes all of the following:

1. The applicant’s past environmental performance with respect to each covered facility or activity.
2. The applicant’s current environmental performance with respect to each covered facility or activity.

3. The applicant’s plans for activities that enhance the environment, such as improving the applicant’s environmental performance with respect to each covered facility or activity.

(d) Environmental management system. To be eligible to participate in tier II of the green tier program, an applicant shall do all of the following:

1. Demonstrate that it has implemented, or commit itself to implementing within one year of application, for each covered facility or activity, an environmental management system that is all of the following:

   a. Based on the standards for environmental management systems issued by the International Organization for Standardization or determined by the department to be functionally equivalent to an environmental management system that is based on those standards.

   b. Determined by the department to be appropriate to the nature, scale, and environmental impacts of the applicant’s operations related to each covered facility or activity.

2. Include, in the environmental management system under subd. 1., objectives in at least 2 of the following areas:

   a. Improving the environmental performance of the applicant, with respect to each covered facility or activity, in aspects of environmental performance that are regulated under chs. 160 and 280 to 299.

   b. Improving the environmental performance of the applicant, with respect to each covered facility or activity, in aspects of environmental performance that are not regulated under chs. 160 and 280 to 299.
c. Voluntarily restoring, enhancing, or preserving natural resources.

3. Explain to the department the rationale for the choices of objectives under subd. 2. and describe any consultations with residents of the areas in which each covered facility or activity is located or performed and with other interested persons concerning those objectives.

4. Conduct, or commit itself to conducting, annual environmental management system audits, with every 3rd environmental management system audit performed by an outside environmental auditor approved by the department, and commit itself to submitting an annual report on the environmental management system audit to the department.

5. Commit itself to submitting to the department an annual report on progress toward meeting the objectives under subd. 2.

(6) PROCESS FOR TIER II. (a) Upon receipt of an application for participation in tier II of the green tier program, the department shall provide public notice about the application in the area in which each covered facility or activity is located or performed.

(b) After providing public notice under par. (a) about an application, the department may hold a public informational meeting on the application.

(c) The department shall approve or deny an application within 60 days after providing notice under par. (a) or, if the department holds a public informational meeting under par. (b), within 60 days after that meeting. The department may limit the number of participants in tier II of the green tier program, or limit the extent of participation by a particular applicant, based on the department’s determination that the limitation is in the best interest of the green tier program.
(d) A decision by the department under par. (c) to approve or deny an application is not subject to review under ch. 227.

(7) Incentives for Tier II. (a) The department shall issue a numbered certificate of recognition to each participant in tier II of the green tier program.

(b) The department shall identify each participant in tier II of the green tier program on an Internet site maintained by the department.

(c) The department shall annually provide notice of the participation of each participant in tier II of the green tier program to newspapers in the area in which each covered facility or activity is located.

(d) A participant in tier II of the green tier program may use a green tier logo selected by the department on written materials produced by the participant.

(e) The department shall assign an employee of the department to serve as the contact with the department for a participant in tier II of the green tier program for any approvals that the participant is required to obtain and for technical assistance.

(f) After a participant in tier II of the green tier program implements an environmental management system that complies with sub. (5) (d) 1., the department shall conduct any inspections of the participant’s covered facilities or activities that are required under chs. 280 to 295 at the lowest frequency permitted under those chapters, except that the department may conduct an inspection whenever it has reason to believe that a participant is out of compliance with a requirement in an approval.

(8) Eligibility for Tier III. (a) General. An applicant is eligible for tier III of the green tier program if the applicant satisfies the requirements in pars. (b) to (d). If an applicant consists of a group of public or private entities, each requirement in pars. (b) to (d) applies to each entity in the group.
(b) Enforcement record. To be eligible to participate in tier III of the green tier program, an applicant shall demonstrate all of the following:

1. That, within 120 months before the date of application, no judgment of conviction was entered against the applicant, any managing operator of the applicant, or any person with a 25% or more ownership interest in the applicant for a criminal violation involving a covered facility or activity that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment.

2. That, within 60 months before the date of application, no civil judgment was entered against the applicant, any managing operator of the applicant, or any person with a 25% or more ownership interest in the applicant for a violation involving a covered facility or activity that resulted in substantial harm to public health or the environment.

3. That, within 24 months before the date of application, the department of justice has not filed a suit to enforce an environmental requirement, and the department of natural resources has not issued a citation to enforce an environmental requirement, because of a violation involving a covered facility or activity.

(c) Environmental management system. To be eligible to participate in tier III of the green tier program, an applicant shall do all of the following:

1. Demonstrate that it has implemented for each covered facility or activity, an environmental management system that is all of the following:

   a. Based on the standards for environmental management systems issued by the International Organization for Standardization or determined by the
department to be functionally equivalent to an environmental management system
that is based on those standards.

b. Determined by the department to be appropriate to the nature, scale, and
environmental impacts of the applicant's operations related to each covered facility
or activity.

2. Commit itself to having an outside environmental auditor approved by the
department conduct an annual environmental management system audit and to
submitting an annual report on the environmental management system audit to the
department.

3. Commit itself to annually conducting, or having an outside environmental
auditor conduct, an audit of compliance with environmental requirements that are
applicable to the covered facilities or activities and to submitting the results of the
audit to the department.

(d) Superior environmental performance. To be eligible to participate in tier III
of the green tier program, an applicant shall demonstrate a record of superior
environmental performance, and describe the measures that it proposes to take to
maintain and improve its superior environmental performance.

(9) PROCESS FOR TIER III. (a) Letter of intent. To apply for participation in tier
III of the green tier program, an entity shall submit a letter of intent to the
department. In addition to providing information necessary to show that the
applicant satisfies the requirements in sub. (8), the applicant shall do all of the
following in the letter of intent:

1. Describe the involvement of interested persons in developing the proposal
for maintaining or improving the applicant’s superior environmental performance,
identify the interested persons, and describe the interests that those persons have in the applicant’s participation in the green tier program.

2. Outline the provisions that it proposes to include in the green tier contract.

   (b) Limitation. The department may limit the number of letters of intent that it processes based on the staff resources available.

   (c) Notice. When the department decides to process a letter of intent, the department shall provide public notice about the letter of intent in the area in which each covered facility or activity is located or performed.

   (d) Public meeting. After providing public notice under par. (c) about a letter of intent, the department may hold a public informational meeting on the letter of intent.

   (e) Request to participate. Within 30 days after the public notice under par. (c), interested persons may request that the department grant authorization to participate in the negotiations under par. (f). A person who makes a request under this paragraph shall describe the person’s interests in the issues raised by the letter of intent. The department shall determine whether a person who makes a request under this paragraph may participate in the negotiations under par. (f) based on whether the person has demonstrated sufficient interest in the issues raised by the letter of intent to warrant that participation.

   (f) Negotiations. If the department determines that an applicant satisfies the requirements in sub. (8), the department may begin negotiations concerning a green tier contract with the applicant and with any persons to whom the department granted permission under par. (e). The department may begin the negotiations no sooner than 30 days after providing public notice under par. (c) about the applicant’s letter of intent.
(g) **Termination of negotiations.** The department may terminate negotiations with an applicant concerning a green tier contract and the decision to terminate negotiations is not subject to review under ch. 227.

(h) **Notice of proposed contract.** If negotiations under par. (f) result in a proposed green tier contract, the department shall provide public notice about the proposed green tier contract in the area in which each covered facility or activity is located or performed.

(i) **Meeting on proposed contract.** After providing public notice under par. (h) about a proposed green tier contract, the department may hold a public informational meeting on the proposed green tier contract.

(j) **Green tier contract.** Within 30 days after providing notice under par. (h) or, if the department holds a public informational meeting under par. (i), within 30 days after that meeting, the department shall decide whether to enter into a green tier contract with an applicant. In a green tier contract, the department shall require that the participant maintain the environmental management system described in sub. (8) (c) 1. and abide by the commitments in sub. (8) (c) 2. and 3. The department may not provide reduced inspections or monitoring as an incentive in a green tier contract if the audit under sub. (8) (c) 3. is conducted by the participant. The department shall ensure that the incentives provided under a green tier contract are proportional to the environmental benefits that will be provided by the participant under the green tier contract. The department shall include in a green tier contract remedies that apply if a party to the contract fails to comply with the contract. The term of a green tier contract may not exceed 5 years, with opportunity for renewal upon agreement of the parties for additional terms not to exceed 5 years for each renewal.
(k) **Review of decision.** Notwithstanding s. 227.42, there is no right to an administrative hearing on the department’s decision to enter into a contract under par. (j), but the decision is subject to judicial review.

(10) **Suspension or termination of participation.** (a) The department may suspend or revoke the participation of a participant in the green tier program at the request of the participant.

(b) The department may terminate the participation of a participant in the green tier program if a judgment is entered against the participant, any managing operator of the participant, or any person with a 25% or more ownership interest in the participant for a criminal or civil violation involving a covered facility or activity that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment.

(c) The department may suspend the participation of a participant in the green tier program if the department determines that the participant, any managing operator of the participant, or any person with a 25% or more ownership interest in the participant committed a criminal or civil violation involving a covered facility or activity that resulted in substantial harm to public health or the environment or that presented an imminent threat to public health or the environment and the department refers the matter to the department of justice for prosecution.

(d) The department may suspend or revoke the participation of a green tier participant in tier II of the green tier program if the participant does not implement, or fails to maintain, the environmental management system described in sub. (5) (d) 1., fails to conduct annual audits described in sub. (5) (d) 4., or fails to submit annual reports described in sub. (5) (d) 5.
(e) The department may, after an opportunity for a hearing, terminate a green tier contract if the department determines that the participant is in substantial noncompliance with the green tier contract.

(f) A person who is not a party to a green tier contract, but who believes that a participant is in substantial noncompliance with a green tier contract, may ask the department to terminate a green tier contract under par. (e).

(10m) ENVIRONMENTAL AUDITORS. The department may not approve an environmental auditor for the purposes of sub. (5) (d) 4. or (8) (c) 2. unless the environmental auditor is certified by the Registrar Accreditation Board of the American National Standards Institute or meets criteria concerning education, training, experience, and performance that are specified by the department.

(11) ACCESS TO RECORDS. (a) Except as provided in par. (c), the department shall make any record, report, or other information obtained in the administration of this section available to the public.

(c) The department shall keep confidential any part of a record, report, or other information obtained in the administration of this section, other than emission data or discharge data, upon a showing satisfactory to the department by any person that the part of a record, report, or other information would, if made public, divulge a method or process that is entitled to protection as a trade secret, as defined in s. 134.90 (1) (c), of that person.

(d) If the department refuses to release information on the grounds that it is confidential under par. (c) and a person challenges that refusal, the department shall inform the affected regulated entity of that challenge. Unless the regulated entity authorizes the department to release the information, the regulated entity shall pay
the reasonable costs incurred by this state to defend the refusal to release the information.

(e) Paragraph (c) does not prevent the disclosure of any information to a representative of the department for the purpose of administering this section or to an officer, employee, or authorized representative of the federal government for the purpose of administering federal law. When the department provides information that is confidential under par. (c) to the federal government, the department shall also provide a copy of the application for confidential status.

(12) Powers and Duties of the Department. (a) To facilitate the process under sub. (9), the department shall develop model terms that may be used in green tier contracts.

(b) After consultations with interested persons, the department shall annually establish a list identifying aspects of superior environmental performance that the department will use to identify which letters of intent it will process under sub. (9) in the following year and the order in which it will process the letters of intent.

(c) The department may promulgate rules for the administration of the green tier program. In the rules, the department may specify incentives, that are consistent with federal laws and other state laws, that the department may provide to participants in tier III of the green tier program.

(d) The department shall encourage small businesses, agricultural organizations, entities that are not subject to environmental requirements, local governments, and other entities to form groups to work cooperatively on projects to achieve superior environmental performance.

(dm) The department shall select a logo for the green tier program.
(e) The department shall consult with the green tier council about the operation of the green tier program, priorities for the green tier program, and evaluation of the green tier program.

(f) The department and the department of commerce shall jointly provide information about environmental management systems to potential participants in the green tier program and to other interested persons. The department shall consult with the department of commerce about the administration of the green tier program.

(g) The department shall collect, process, evaluate, and disseminate data submitted by participants in the green tier program.

(h) The department shall submit a progress report on the green tier program to the legislature, in the manner provided in s. 13.172 (2), no later than the first day of the 36th month beginning after the effective date of this paragraph .... [revisor inserts date], and every 2 years after it submits the first report.

### (13) Penalty.
(a) Any person who knowingly makes a false statement in material submitted under this section shall be fined not less than $10 nor more than $10,000 or imprisoned for not more than 6 months or both.

(b) For purposes of this subsection, an act is committed knowingly if it is done voluntarily and is not the result of negligence, mistake, accident, or circumstances that are beyond the control of the person.

### SECTION 3327
301.025 of the statutes is amended to read:

**301.025 Division of juvenile corrections.** The division of juvenile corrections shall exercise the powers and perform the duties of the department that relate to juvenile correctional services and institutions, juvenile offender review,
aftercare, corrective sanctions, the juvenile boot camp program under s. 938.532, the serious juvenile offender program under s. 938.538, and youth aids.

**SECTION 3328.** 301.03 (3) of the statutes is amended to read:

301.03 (3) Administer parole, extended supervision and probation matters, except that the decision to grant or deny parole to inmates shall be made by the parole commission and the decision to revoke probation, extended supervision or parole in cases in which there is no waiver of the right to a hearing shall be made by the division of hearings and appeals in the department of administration. The secretary may grant special action parole releases under s. 304.02. The secretary may grant conditional medical parole under s. 302.11 (2m) or conditional medical extended supervision under s. 302.113 (2m). The department shall promulgate rules establishing a drug testing program for probationers, parolees and persons placed on extended supervision. The rules shall provide for assessment of fees upon probationers, parolees and persons placed on extended supervision to partially offset the costs of the program.

**SECTION 3329.** 301.03 (10) (d) of the statutes is amended to read:

301.03 (10) (d) Administer the office of juvenile offender review in the division of juvenile corrections in the department. The office shall be responsible for decisions regarding case planning, and the release of juvenile offenders from secured correctional facilities or secured child caring institutions to aftercare placements and the transfer of juveniles to the Racine youthful offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d).

**SECTION 3330.** 301.031 (2r) (a) 3. of the statutes is amended to read:

301.031 (2r) (a) 3. Is for the treatment of alcoholics in treatment facilities which have not been approved by the department of health and family services in
accordance with s. 51.45 (8) 51.04 (1) or which have not been conditionally approved by the department of health and family services in accordance with s. 51.04 (3).

**SECTION 3331.** 301.035 (2) of the statutes is amended to read:

301.035 (2) Assign hearing examiners from the division to preside over hearings under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10 and 975.10 (2) and ch. 304.

**SECTION 3332.** 301.035 (4) of the statutes is amended to read:

301.035 (4) Supervise employes in the conduct of the activities of the division and be the administrative reviewing authority for decisions of the division under ss. 302.11 (7), 302.113 (9), 302.114 (9), 938.357 (5), 973.10, 973.155 (2) and 975.10 (2) and ch. 304.

**SECTION 3333.** 301.046 (1) of the statutes is amended to read:

301.046 (1) INSTITUTION STATUS. The department shall establish and operate a community residential confinement program as a correctional institution under the charge of a superintendent. Under the program, the department shall confine prisoners in their places of residence or other places designated by the department. The secretary may allocate and reallocate existing and future facilities as part of the institution. The institution is subject to s. 301.02 and is a state prison as defined in under s. 302.01. Construction or establishment of the institution shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities for the institution are not subject to the ordinances or regulations relating to zoning, including zoning under ch. 91, of the county and municipality in which the construction or establishment takes place and are exempt from inspections required under s. 301.36.
SECTION 3334. 301.048 (4) (b) of the statutes is amended to read:

301.048 (4) (b) The department shall operate the program as a correctional institution. The secretary may allocate and reallocate existing and future facilities as part of the institution. The institution is subject to s. 301.02 and is a state prison as defined in under s. 302.01. Construction or establishment of the institution shall be in compliance with all state laws except s. 32.035 and ch. 91. In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities for the institution are not subject to the ordinances or regulations relating to zoning, including zoning under ch. 91, of the county and municipality in which the construction or establishment takes place and are exempt from inspections required under s. 301.36.

SECTION 3335. 301.13 of the statutes is amended to read:

301.13 Minimum security correctional institutions. The department may establish and operate minimum security correctional institutions. The secretary may allocate and reallocate existing and future facilities as part of these institutions. The institutions are subject to s. 301.02 and are state prisons as defined in under s. 302.01. Inmates from Wisconsin state prisons may be transferred to these institutions and they shall be subject to all laws pertaining to inmates of other penal institutions of the state. Officers and employees of the institutions shall be subject to the same laws as pertain to other penal institutions. Inmates shall not be received on direct commitment from the courts. In addition to the exemptions under s. 13.48 (13), construction or establishment of facilities at institutions which are community correctional residential centers initially established prior to July 2, 1983, shall not be subject to the ordinances or regulations relating to zoning, including zoning under ch. 91, of the county and municipality in which the construction or establishment
takes place. The department shall establish a procedure for soliciting responses from
interested communities and persons regarding potential sites for the institutions
under this section, except the procedure does not apply to the 125-bed community
correctional center in the city of Waupun. The department shall consider locations
proposed under this procedure and may consider any other locations on its own
initiative. The department need not promulgate rules regarding the site
consideration procedures under this section.

SECTION 3336. 301.16 (1s) of the statutes is created to read:

301.16 (1s) In addition to the institutions under sub. (1), the department shall
establish a medium security correctional institution that is a part of the correctional
facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and that is
located in Redgranite.

SECTION 3337. 301.16 (1t) of the statutes is created to read:

301.16 (1t) In addition to the institutions under sub. (1), the department shall
establish a medium security correctional institution that is a part of the correctional
facilities enumerated in 1997 Wisconsin Act 27, section 9107 (1) (b), and that is
located in New Lisbon.

SECTION 3338. 301.26 (4) (b) of the statutes is amended to read:

301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
the basis of the per person per day cost estimate specified in par. (d) 2. to 4. and 3.
Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
jurisdiction under chs. 48 and 938 for each person receiving services from the
department of corrections under s. 48.366, 938.183, or 938.34 or the department of
health and family services under s. 46.057 or 51.35 (3). Except as provided in pars.
(bm), (c), and (cm), in multicounty court jurisdictions, the county of residency within
the jurisdiction shall be liable for costs under this subsection. Assessment of costs
under par. (a) shall also be made according to the general placement type or level of
care provided, as defined by the department, and prorated according to the ratio of
the amount designated under sub. (3) (c) to the total applicable estimated costs of
care, services, and supplies provided by the department of corrections under ss.
48.366, 938.183, and 938.34 and the department of health and family services under
s. 46.057 or 51.35 (3).

SECTION 3339. 301.26 (4) (cm) 3. of the statutes is amended to read:

301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile
correctional services under this paragraph shall be equal to the per person daily cost
assessment to counties under par. (d) 2. to 4. and 3. for juvenile correctional services.

SECTION 3340. 301.26 (4) (d) 2. of the statutes is amended to read:

301.26 (4) (d) 2. Beginning on July 1, 1999 2001, and ending on December 31,
June 30, 2002, the per person daily cost assessment to counties shall be $153.01
$171.16 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19),
$153.01 $171.16 for care for juveniles transferred from a juvenile correctional
institution under s. 51.35 (3), $183.72 for care in a child caring institution, including
a secured child caring institution, $118.93 for care in a group home for children,
$26.17 for care in a foster home, $75.37 for care in a treatment foster home, $72.66
$82.89 for departmental corrective sanctions services, and $19.76 $23.25 for
departmental aftercare services.

SECTION 3341. 301.26 (4) (d) 3. of the statutes is amended to read:

301.26 (4) (d) 3. In calendar year 2000 Beginning on July 1, 2002, and ending
on June 30, 2003, the per person daily cost assessment to counties shall be $153.55
$176.06 for care in a Type 1 secured correctional facility, as defined in s. 938.02 (19),

$153.55 $176.06 for care for juveniles transferred from a juvenile correctional
institute under s. 51.35 (3), $187.21 for care in a child caring institution, including
a secured child caring institution, $121.19 for care in a group home for children,

$26.67 for care in a foster home, $76.80 for care in a treatment foster home, $74.68

$84.87 for departmental corrective sanctions services, and $19.15 $23.80 for
departmental aftercare services.

SECTION 3342. 301.26 (4) (d) 4. of the statutes is repealed.

SECTION 3343. 301.26 (7) (intro.) of the statutes is amended to read:

301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
department shall allocate funds for community youth and family aids for the period
beginning on July 1, 1999 2001, and ending on June 30, 2001 2003, as provided in
this subsection to county departments under ss. 46.215, 46.22 and 46.23 as follows:

SECTION 3344. 301.26 (7) (a) (intro.) of the statutes is amended to read:

301.26 (7) (a) (intro.) For community youth and family aids under this section,
amounts not to exceed $42,091,800 for the last 6 months of 1999 2001, $85,183,700
for 2000 2002 and $43,091,900 for the first 6 months of 2001 2003. Of those amounts,
the department shall allocate $1,000,000 for the last 6 months of 1999 2001,
$3,000,000 for 2000 2002 and $2,000,000 for the first 6 months of 2001 2003 to
counties based on each of the following factors weighted equally:

SECTION 3345. 301.26 (7) (e) of the statutes is amended to read:

301.26 (7) (e) For emergencies related to community youth and family aids
under this section, amounts not to exceed $125,000 for the last 6 months of 1999
2001, $250,000 for 2000 2002 and $125,000 for the first 6 months of 2001 2003. A
county is eligible for payments under this paragraph only if it has a population of not more than 45,000.

**SECTION 3346.** 301.26 (7) (h) of the statutes is amended to read:

301.26 (7) (h) For counties that are participating in the corrective sanctions program under s. 938.533 (2), $1,062,400 in the last 6 months of 1999 2001, $2,124,800 in 2000 2002 and $1,062,400 in the first 6 months of 2001 2003 for the provision of corrective sanctions services for juveniles from that county. In distributing funds to counties under this paragraph, the department shall determine a county’s distribution by dividing the amount allocated under this paragraph by the number of slots authorized for the program under s. 938.533 (2) and multiplying the quotient by the number of slots allocated to that county by agreement between the department and the county. The department may transfer funds among counties as necessary to distribute funds based on the number of slots allocated to each county.

**SECTION 3347.** 301.26 (8) of the statutes is amended to read:

301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the allocations specified in sub. (7) (a), the department shall allocate $666,700 in the last 6 months of 1999 2001, $1,333,400 in 2000 2002 and $666,700 in the first 6 months of 2001 2003 for alcohol and other drug abuse treatment programs.

**SECTION 3348.** 301.265 (title) of the statutes is repealed.

**SECTION 3349.** 301.265 (1) of the statutes is renumbered 16.964 (8) (a) and amended to read:

16.964 (8) (a) From the appropriations under s. 20.410 (3) (d) and (kj) 20.505 (6) (a) and (k), the department office shall allocate $500,000 in each fiscal year to enter into a contract with an organization to provide services in a county having a population of 500,000 or more for the diversion of youths from gang activities into
productive activities, including placement in appropriate educational, recreational, and employment programs. Notwithstanding s. 16.75, the department office may enter into a contract under this subsection paragraph without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

**SECTION 3350.** 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and amended to read:

16.964 (8) (b) From the appropriation under s. 20.410 (3) (kp) 20.505 (6) (km), the department office may not distribute more than $300,000 in each fiscal year to the organization that it has contracted with under sub. (1) par. (a) for alcohol and other drug abuse education and treatment services for participants in that organization’s youth diversion program.

**SECTION 3351.** 301.265 (3) of the statutes is renumbered 16.964 (8) (c) and amended to read:

16.964 (8) (c) From the appropriations under s. 20.410 (3) (d) and (kj) 20.505 (6) (a) and (k), the department office shall allocate $150,000 in each fiscal year to enter into a contract with an organization to provide services in Racine County, $150,000 in each fiscal year to enter into a contract with an organization to provide services in Kenosha County, $150,000 in each fiscal year to enter into a contract with an organization that is located in ward 1 in the city of Racine to provide services in Racine County, and $150,000 in each fiscal year to enter into a contract with an organization to provide services in Brown County, for the diversion of youths from gang activities into productive activities, including placement in appropriate educational, recreational, and employment programs, and for alcohol or other drug abuse education and treatment services for participants in that organization’s youth diversion program. The organization that is located in ward 1 in the city of Racine
shall have a recreational facility, shall offer programs to divert youths from gang activities, may not be affiliated with any national or state association, and may not have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s. 16.75, the department office may enter into a contract under this subsection paragraph without soliciting bids or proposals and without accepting the lowest responsible bid or offer.

Section 3352. 301.28 (1) of the statutes is amended to read:

301.28 (1) In this section, “correctional officer” means any person classified as a correctional officer employed by the state whose principal duty is the supervision of inmates at a prison, as defined listed in s. 302.01.

Section 3353. 302.01 of the statutes is amended to read:

302.01 State prisons named and defined listed. The penitentiary correctional institution at Waupun is named “Waupun Correctional Institution”. The correctional treatment center at Waupun is named “Dodge Correctional Institution”. The penitentiary correctional institution at Green Bay is named “Green Bay Correctional Institution”. The medium/maximum penitentiary correctional institution at Portage is named “Columbia Correctional Institution”. The medium security institution at Oshkosh is named “Oshkosh Correctional Institution”. The medium security penitentiary correctional institution near Fox Lake is named “Fox Lake Correctional Institution”. The penitentiary correctional institution at Taycheedah is named “Taycheedah Correctional Institution”. The medium security penitentiary correctional institution at Plymouth is named “Kettle Moraine Correctional Institution”. The penitentiary correctional institution at the village of Sturtevant in Racine county is named “Racine Correctional Institution”. The medium security correctional institution near Black River Falls is named “Jackson
Correctional Institution.” The medium security penitentiary correctional institution at Racine is named “Racine Youthful Offender Correctional Facility”. The resource facility at Oshkosh is named “Wisconsin Resource Center”. The institutions named in this section, the medium security correctional institutions at Redgranite and New Lisbon, the correctional institutions authorized under s. 301.16 (1n) and (1v), the correctional institution authorized under 1997 Wisconsin Act 4, section 4 (1) (a), the correctional institution authorized under s. 301.046 (1), the correctional institution authorized under s. 301.048 (4) (b), minimum security correctional institutions authorized under s. 301.13, the probation and parole holding facilities authorized under s. 301.16 (1q), any correctional institution that has been constructed by a private person and leased or purchased by the state for use by the department, and state–local shared correctional facilities, when established under s. 301.14, are state prisons.

**SECTION 3353.** 302.045 (3) of the statutes is amended to read:

302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department determines that an inmate serving a sentence other than one imposed under s. 973.01 has successfully completed the challenge incarceration program, the parole commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served, unless the person is serving a sentence imposed under s. 973.01. When the parole commission grants parole under this subsection, it must require the parolee to participate in an intensive supervision program for drug abusers as a condition of parole.

**SECTION 3355.** 302.11 (1z) of the statutes is amended to read:

302.11 (1z) An inmate who is sentenced to a term of confinement in prison under s. 973.01 for a felony that is committed on or after December 31, 1999, or a
misdemeanor committed on or after the effective date of this subsection .... [revisor inserts date], is not entitled under this section to mandatory release on parole under this section that sentence.

**SECTION 3356.** 302.11 (2m) of the statutes is created to read:

302.11 (2m) (a) The secretary may release an inmate who is sentenced to the Wisconsin state prisons for a crime committed before December 31, 1999, other than a person sentenced to life imprisonment, on a conditional medical parole if all of the following conditions are met:

1. The warden of the correctional institution in which the inmate is confined makes a request to the secretary that the inmate be released on conditional medical parole.

2. The warden provides the secretary with the inmate’s age, offense for which committed, medical condition, health care needs, security classification, potential risk for violence, and appropriate level of community supervision and possible alternative community placements.

3. The inmate is seriously ill or terminally ill and the secretary determines that the release of the inmate would not pose a risk of harm to any person.

4. The secretary determines that the inmate’s health care costs are likely to be paid by the federal medicare program, a veteran’s program, medical assistance, or another federal or state medical program, or by the inmate.

5. The department complies with par. (d).

(b) An offender’s conditional medical parole may be revoked if the offender violates any condition or rule of the conditional medical parole.

(c) The department shall promulgate rules for the conditional medical parole program, including eligibility criteria, procedures for the secretary to use in deciding
whether to grant a prisoner a conditional medical parole, procedures to follow when
revoking a conditional medical parole, and conditions of the conditional medical
parole.

(d) The department shall follow the procedures for notification under s.
304.063.

SECTION 3357. 302.11 (3) of the statutes is amended to read:

302.11 (3) All consecutive sentences imposed for crimes committed before
December 31, 1999, shall be computed as one continuous sentence.

SECTION 3358. 302.11 (6) of the statutes is amended to read:

302.11 (6) Any inmate released on parole under sub. (1) or (1g) (b), or (2m) or
s. 304.02 or 304.06 (1) is subject to all conditions and rules of parole until the
expiration of the sentence or until he or she is discharged by the department. Except
as provided in ch. 304, releases from prison shall be on the Tuesday or Wednesday
preceding the release date. The department may discharge a parolee on or after his
or her mandatory release date or after 2 years of supervision. Any inmate sentenced
to the intensive sanctions program who is released on parole under sub. (1) or (2m)
or s. 304.02 or 304.06 (1) remains in the program unless discharged by the
department under s. 301.048 (6) (a).

SECTION 3359. 302.11 (7) (a) of the statutes is renumbered 302.11 (7) (am) and
amended to read:

302.11 (7) (am) The division of hearings and appeals in the department of
administration, upon proper notice and hearing, or the department of corrections, if
the parolee waives a hearing, reviewing authority may return a parolee released
under sub. (1) or (1g) (b), or (2m) or s. 304.02 or 304.06 (1) to prison for a period up
to the remainder of the sentence for a violation of the conditions of parole. The
remainder of the sentence is the entire sentence, less time served in custody prior to parole. The revocation order shall provide the parolee with credit in accordance with ss. 304.072 and 973.155.

SECTION 3360. 302.11 (7) (ag) of the statutes is created to read:

302.11 (7) (ag) In this subsection “reviewing authority” means the division of hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the parolee waives a hearing.

SECTION 3361. 302.11 (7) (b) of the statutes is amended to read:

302.11 (7) (b) A parolee returned to prison for violation of the conditions of parole shall be incarcerated for the entire period of time determined by the department of corrections in the case of a waiver or the division of hearings and appeals in the department of administration in the case of a hearing under par. (a), reviewing authority unless paroled earlier under par. (c). The parolee is not subject to mandatory release under sub. (1) or presumptive mandatory release under sub. (1g). The period of time determined under par. (a) (am) may be extended in accordance with subs. (1q) and (2).

SECTION 3362. 302.11 (7) (c) of the statutes is amended to read:

302.11 (7) (c) The parole commission may subsequently parole, under s. 304.06 (1), and the department may subsequently parole, under sub. (2m) or s. 304.02, a parolee who is returned to prison for violation of a condition of parole.

SECTION 3363. 302.11 (7) (d) of the statutes is amended to read:

302.11 (7) (d) A parolee who is subsequently released either after service of the period of time determined by the department of corrections in the case of a waiver or the division of hearings and appeals in the department of administration in the case of a hearing under par. (a) reviewing authority or by a grant of parole under par.
(c) is subject to all conditions and rules of parole until expiration of sentence or discharge by the department.

**SECTION 3364.** 302.11 (7) (e) of the statutes is created to read:

302.11 (7) (e) A reviewing authority may consolidate proceedings before it under par. (am) with other proceedings before that reviewing authority under par. (am) or s. 302.113 (9) (am) or 302.114 (9) (am) if all of the proceedings relate to the parole or extended supervision of the same person.

**SECTION 3365.** 302.11 (10) of the statutes is amended to read:

302.11 (10) An inmate subject to an order under s. 48.366 or 938.34 (4h) is not entitled to mandatory release and may be released or discharged only as provided under s. 48.366 or 938.538.

**SECTION 3366.** 302.113 (2m) of the statutes is created to read:

302.113 (2m) (a) The secretary may reduce the term of confinement of the bifurcated sentence of an inmate who is serving a bifurcated sentence under s. 973.01 and may release the inmate on conditional medical extended supervision if all of the following conditions are met:

1. The warden of the correctional institution in which the inmate is confined makes a request to the secretary that the inmate be released on conditional medical extended supervision.

2. The warden provides the secretary with the inmate’s age, offense for which committed, medical condition, health care needs, security classification, potential risk for violence, and appropriate level of community supervision and possible alternative community placements.

3. The inmate is seriously ill or terminally ill and the secretary determines that the release of the inmate would not pose a risk of harm to any person.
4. The secretary determines that the inmate’s health care costs are likely to be paid by the federal medicare program, a veteran’s program, medical assistance, or another federal or state medical program, or by the inmate.

5. The department complies with par. (e).

(b) An inmate released on conditional medical extended supervision shall have his or her period of extended supervision increased by the amount that his or her term of confinement is reduced.

(c) An offender’s conditional medical extended supervision may be revoked if the offender violates a condition or rule of the conditional medical extended supervision.

(d) The department shall promulgate rules for the conditional medical extended supervision program, including eligibility criteria, procedures for the secretary to use in deciding whether to grant a prisoner conditional medical extended supervision, procedures to follow when revoking a conditional medical extended supervision, and conditions of the conditional medical extended supervision.

(e) The department shall follow the procedures for notification under s. 304.063.

SECTION 3367. 302.113 (4) of the statutes is amended to read:

302.113 (4) All consecutive sentences imposed for crimes committed on or after December 31, 1999, shall be computed as one continuous sentence. The person shall serve any term of extended supervision after serving all terms of confinement in prison.

SECTION 3368. 302.113 (8m) of the statutes is created to read:

302.113 (8m) Every person released to extended supervision under this section remains in the legal custody of the department. If the department alleges that any
condition or rule of extended supervision has been violated by the person, the
department may take physical custody of the person for the investigation of the
alleged violation.

**SECTION 3369.** 302.113 (9) (a) of the statutes is renumbered 302.113 (9) (am)
and amended to read:

302.113 (9) (am) If a person released to extended supervision under this section
violates a condition of extended supervision, the division of hearings and appeals in
the department of administration, upon proper notice and hearing, or the
department of corrections, if the person on extended supervision waives a hearing,
reviewing authority may revoke the person’s extended supervision of the person and
return the person to prison. If, Upon revocation, the person is returned to prison,
he or she shall be returned to prison for any specified period of time that does not
exceed the time remaining on the bifurcated sentence. The time remaining on the
bifurcated sentence is the total length of the bifurcated sentence, less time served by
the person in custody confinement under the sentence before release to extended
supervision under sub. (2) and less all time served in confinement for previous
revocations of extended supervision under the sentence. The revocation order shall
provide the person on whose extended supervision is revoked with credit in
accordance with ss. 304.072 and 973.155.

**SECTION 3370.** 302.113 (9) (ag) of the statutes is created to read:

302.113 (9) (ag) In this subsection “reviewing authority” means the division of
hearings and appeals in the department of administration, upon proper notice and
hearing, or the department of corrections, if the person on extended supervision
waives a hearing.

**SECTION 3371.** 302.113 (9) (b) of the statutes is amended to read:
302.113 (9) (b) A person who is returned to prison after revocation of extended supervision shall be incarcerated for the entire period of time specified by the department of corrections in the case of a waiver or by the division of hearings and appeals in the department of administration in the case of a hearing under par. (a) reviewing authority. The period of time specified under par. (a) (am) may be extended in accordance with sub. (3). If a person is returned to prison under par. (am) for a period of time that is less than the time remaining on the bifurcated sentence, the person shall be released to extended supervision after he or she has served the period of time specified under par. (am) and any extensions imposed under sub. (3).

Section 3372. 302.113 (9) (c) of the statutes is amended to read:

302.113 (9) (c) A person who is subsequently released to extended supervision after service of the period of time specified by the department of corrections in the case of a waiver or by the division of hearings and appeals in the department of administration in the case of a hearing under par. (a) reviewing authority is subject to all conditions and rules under sub. (7) until the expiration of the term of remaining extended supervision portion of the bifurcated sentence. The remaining extended supervision portion of the bifurcated sentence is the total length of the bifurcated sentence, less the time served by the person in confinement under the bifurcated sentence before release to extended supervision under sub. (2) and less all time served in confinement for any revocation of extended supervision under the bifurcated sentence.

Section 3373. 302.113 (9) (d) of the statutes is created to read:

302.113 (9) (d) When determining under pars. (am) and (c) the amount of time a person has served in confinement before release to extended supervision or the amount of time a person has served in confinement for a revocation of extended
supervision, the reviewing authority shall include any extensions imposed under sub. (3).

**SECTION 3374.** 302.113 (9) (e) of the statutes is created to read:

302.113 (9) (e) If a hearing is to be held under par. (am) before the division of hearings and appeals in the department of administration, the hearing examiner may order the taking and allow the use of a videotaped deposition under s. 967.04 (7) to (10).

**SECTION 3375.** 302.113 (9) (f) of the statutes is created to read:

302.113 (9) (f) A reviewing authority may consolidate proceedings before it under par. (am) with other proceedings before that reviewing authority under par. (am) or s. 302.11 (7) (am) or 302.114 (9) (am) if all of the proceedings relate to the parole or extended supervision of the same person.

**SECTION 3376.** 302.113 (9) (g) of the statutes is created to read:

302.113 (9) (g) If there is a hearing under par. (am) before the division of hearings and appeals in the department of administration, the person on extended supervision may seek review of a decision to revoke extended supervision and the department of corrections may seek review of a decision to not revoke extended supervision. Review of a decision under this paragraph may be sought only by an action for certiorari.

**SECTION 3377.** 302.114 (4) of the statutes is amended to read:

302.114 (4) All consecutive sentences imposed for crimes committed on or after December 31, 1999, shall be computed as one continuous sentence. An inmate subject to this section shall serve any term of extended supervision after serving all terms of confinement in prison.

**SECTION 3378.** 302.114 (8m) of the statutes is created to read:
302.114 (8m) Every person released to extended supervision under this section remains in the legal custody of the department. If the department alleges that any condition or rule of extended supervision has been violated by the person, the department may take physical custody of the person for the investigation of the alleged violation.

**SECTION 3379.** 302.114 (9) (a) of the statutes is renumbered 302.114 (9) (am) and amended to read:

302.114 (9) (am) If a person released to extended supervision under this section violates a condition of extended supervision, the division of hearings and appeals in the department of administration, upon proper notice and hearing, or the department of corrections, if the person on extended supervision waives a hearing, reviewing authority may revoke the person’s extended supervision of the person and return the person to prison. If upon revocation, the person is returned to prison, he or she shall be returned to prison for a specified period of time, as provided under par. (b).

**SECTION 3380.** 302.114 (9) (ag) of the statutes is created to read:

302.114 (9) (ag) In this subsection “reviewing authority” has the meaning given in s. 302.113 (9) (ag).

**SECTION 3381.** 302.114 (9) (b) of the statutes is amended to read:

302.114 (9) (b) If a person is returned to prison under par. (a) (am) after revocation of extended supervision, the department of corrections in the case of a waiver or the division of hearings and appeals in the department of administration in the case of a hearing under par. (a) reviewing authority shall specify a period of time for which the person shall be incarcerated before being eligible for release to
extended supervision. The period of time specified under this paragraph may not be
less than 5 years and may be extended in accordance with sub. (3).

SECTION 3382. 302.114 (9) (bm) of the statutes is amended to read:

302.114 (9) (bm) A person who is returned to prison under par. (a) (am) after
revocation of extended supervision may, upon petition to the sentencing court, be
released to extended supervision after he or she has served the entire period of time
specified in par. (b), including any periods of extension imposed under sub. (3). A
person may not file a petition under this paragraph earlier than 90 days before the
date on which he or she is eligible to be released to extended supervision. If a person
files a petition for release to extended supervision under this paragraph at any time
earlier than 90 days before the date on which he or she is eligible to be released to
extended supervision, the court shall deny the petition without a hearing. The
procedures specified in sub. (5) (am) to (f) apply to a petition filed under this
paragraph.

SECTION 3383. 302.114 (9) (d) of the statutes is created to read:

302.114 (9) (d) If a hearing is to be held under par. (am) before the division of
hearings and appeals in the department of administration, the hearing examiner
may order the taking and allow the use of a videotaped deposition under s. 967.04
(7) to (10).

SECTION 3384. 302.114 (9) (e) of the statutes is created to read:

302.114 (9) (e) A reviewing authority may consolidate proceedings before it
under par. (am) with other proceedings before that reviewing authority under par.
(am) or s. 302.11 (7) (am) or 302.113 (9) (am) if all of the proceedings relate to the
parole or extended supervision of the same person.

SECTION 3385. 302.114 (9) (f) of the statutes is created to read:
302.114 (9) (f) If there is a hearing under par. (am) before the division of hearings and appeals in the department of administration, the person on extended supervision may seek review of a decision to revoke extended supervision and the department of corrections may seek review of a decision to not revoke extended supervision. Review of a decision under this paragraph may be sought only by an action for certiorari.

Section 3386. 302.18 (7) of the statutes is amended to read:

302.18 (7) Except as provided in s. 973.013 (3m), the department shall keep all prisoners a person under 15 years of age who has been sentenced to the Wisconsin state prisons in a secured juvenile correctional facilities or facility or a secured child caring institutions institution, but the department may transfer them that person to an adult correctional institutions institution after they attain the person attains 15 years of age.

Section 3387. 302.255 of the statutes is amended to read:

302.255 Interstate corrections compact; additional applicability. “Inmate”, as defined under s. 302.25 (2) (a), includes persons subject to an order under s. 48.366 who are confined to a state prison under s. 302.01 and persons subject to an order under s. 938.34 (4h) who are 17 years of age or older.

Section 3388. 302.386 (3) (a) of the statutes is amended to read:

302.386 (3) (a) Except as provided in par. (b), the department may require a resident housed in a prison identified in s. 302.01 or in a secured correctional facility, as defined in s. 938.02 (15m), who earns wages during residency and who receives medical or dental services to pay a deductible, coinsurance, copayment, or similar charge upon the medical or dental service that he or she receives. The department shall collect the allowable deductible, coinsurance, copayment, or similar charge.
SECTION 3389. 302.386 (5) (d) of the statutes is amended to read:

302.386 (5) (d) Any participant in the serious juvenile offender program under s. 938.538 unless he or she is placed in a Type 1 secured correctional facility, as defined in s. 938.02 (19), or in a Type 1 prison other than the institution authorized under s. 301.046 (1).

SECTION 3390. 304.11 (3) of the statutes is amended to read:

304.11 (3) If upon inquiry it further appears to the governor that the convicted person has violated or failed to comply with any of those conditions, the governor may issue his or her warrant remanding the person to the institution from which discharged, and the person shall be confined and treated as though no pardon had been granted, except that the person loses any applicable good time which he or she had earned. If the person is returned to prison, the person is subject to the same limitations as a revoked parolee under s. 302.11 (7). The department shall determine the period of incarceration under s. 302.11 (7) (a) (am). If the governor determines the person has not violated or failed to comply with the conditions, the person shall be discharged subject to the conditional pardon.

SECTION 3391. 341.135 (1) of the statutes is amended to read:

341.135 (1) DESIGN. Every 6th 7th year, the department shall establish new designs of registration plates to be issued under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am). Any design for registration plates issued for automobiles and for vehicles registered on the basis of gross weight shall comply with the applicable design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c). The designs for registration plates specified in this subsection shall be as similar in appearance as practicable during each 6−year 7−year design interval. Each registration plate
issued under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m) or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) during each 6-year 7-year design interval shall be of the design established under this subsection. The department may not redesign registration plates for the special groups under s. 341.14 (6r) (f) 53., 54., or 55. until January 1, 2005 July 1, 2007. Except for registration plates issued under s. 341.14 (6r) (f) 53., 54., or 55., the first design cycle for registration plates issued under ss. 341.14 (1a), (1m), (1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am) began July 1, 2000.

Section 3392. 341.135 (2) (a) 1. of the statutes is amended to read:

341.135 (2) (a) 1. Beginning with registrations initially effective on July 1, 2000, upon receipt of a completed application to initially register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) 53., 54., or 55., the department shall issue and deliver prepaid to the applicant 2 new registration plates of the design established for that 6-year 7-year period under sub. (1).

Section 3393. 341.135 (2) (a) 2. of the statutes is amended to read:

341.135 (2) (a) 2. Notwithstanding s. 341.13 (3), beginning with registrations initially effective on July 1, 2005 2007, upon receipt of a completed application to initially register a vehicle under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), or s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) or 341.26 (2) or (3) (a) 1. or (am), the department shall issue and deliver prepaid to the applicant 2 new registration plates of the design established for that 6-year 7-year period under sub. (1).
**SECTION 3394.** 341.135 (2) (am) of the statutes is amended to read:

341.135 (2) (am) Notwithstanding ss. s. 341.13 (3) and (3m), beginning with registrations initially effective on July 1, 2000, upon receipt of a completed application to renew the registration of a vehicle registered under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), except s. 341.14 (6r) (f) s., 54., or 55., or s. 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c) for which a registration plate of the design established under sub. (1) has not been issued, the department may issue and deliver prepaid to the applicant 2 new registration plates of the design established under sub. (1). This paragraph does not apply to registration plates issued under s. 341.14 (6r) (f) 52., 1997 stats. This paragraph does not apply after June 30, 2005 2007.

**SECTION 3395.** 341.135 (2) (e) of the statutes is amended to read:

341.135 (2) (e) The department shall issue new registration plates of the design established under sub. (1) for every vehicle registered under s. 341.14 (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) after January 1, 2005 July 1, 2007.

**SECTION 3396.** 341.14 (2) of the statutes is amended to read:

341.14 (2) Upon compliance with the laws relating to registration of automobiles and motor homes; motor trucks, dual purpose motor homes, and dual purpose farm trucks which have a gross weight of not more than 8,000 pounds; and farm trucks which have a gross weight of not more than 12,000 pounds, including payment of the prescribed registration fees therefor plus an additional fee of $10 $15 when registration plates are issued accompanied by an application showing satisfactory proof that the applicant is the holder of an unexpired amateur radio station license issued by the federal communications commission, the department shall issue registration plates on which, in lieu of the usual registration number,
shall be inscribed in large legible form the call letters of such applicant as assigned by the federal communications commission. The fee for reissuance of a plate under this subsection shall be $10 $15.

SECTION 3397. 341.14 (2m) of the statutes is amended to read:

341.14 (2m) Upon compliance with laws relating to registration of motor vehicles, including payment of the prescribed fee, and an additional fee of $5 $15 when the original or new registration plates are issued and accompanied by an application showing satisfactory proof that the applicant has a collector’s identification number as provided in s. 341.266 (2) (d), the department shall issue registration plates on which, in lieu of the usual registration number, shall be inscribed the collector’s identification number issued under s. 341.266 (2) (d). The words “VEHICLE COLLECTOR” shall be inscribed across the lower or upper portion of the plate at the discretion of the department. Additional registrations under this subsection by the same collector shall bear the same collector’s identification number followed by a suffix letter for vehicle identification. Registration plates issued under this subsection shall expire annually.

SECTION 3398. 341.14 (6) (d) of the statutes is amended to read:

341.14 (6) (d) For each additional vehicle, a person who maintains more than one registration under this subsection at one time shall be charged a fee of $10 $15 for issuance or reissuance of the plates in addition to the annual registration fee for the vehicle. Except as provided in par. (c), a motor truck or dual purpose farm truck registered under this subsection shall be registered under this paragraph.

SECTION 3399. 341.14 (6) (e) of the statutes is repealed.

SECTION 3400. 341.14 (6m) (a) of the statutes is amended to read:
341.14 (6m) (a) Upon application to register an automobile or motor truck which has a gross weight of not more than 8,000 pounds by any person who is a resident of this state and a member or retired member of the national guard, the department shall issue to the person special plates whose colors and design shall be determined by the department and which have the words “Wisconsin guard member” placed on the plates in the manner designated by the department. The department shall consult with or obtain the approval of the adjutant general with respect to any word or symbol used to identify the national guard. An additional fee of $10 $15 shall be charged for the issuance or reissuance of the plates. Registration plates issued under this subsection shall expire annually.

SECTION 3401. 341.14 (6r) (b) 2. of the statutes is amended to read:

341.14 (6r) (b) 2. An additional fee of $10 $15 shall be charged for the issuance or reissuance of the plates for special groups specified under par. (f) 1. to 34., 48., 49. and 51.

SECTION 3402. 341.14 (6r) (b) 3. of the statutes is amended to read:

341.14 (6r) (b) 3. An additional fee of $15 shall be charged for the issuance or reissuance of a plate issued on an annual basis for a special group specified under par. (f) 35. to 47., 53., 54. or 55. or designated by the department under par. (fm). An additional fee of $15 shall be charged for the issuance or reissuance of a plate issued on a biennial basis for a special group specified under par. (f) 35. to 47., 53., 54. or 55. or designated by the department under par. (fm) if the plate is issued during the first year of the biennial registration period or $15 for the issuance or reissuance if the plate is issued during the 2nd year of the biennial registration period. The department shall deposit in the general fund and credit to the appropriation account under s. 20.395 (5) (cj) all fees collected under this subdivision for the issuance or
reissuance of a plate for a special group designated by the department under par. (fm).

**SECTION 3403.** 341.14 (6r) (b) 4. of the statutes is amended to read:

341.14 (6r) (b) 4. An additional fee of $20 that is in addition to the fee under subd. 2. or 3. shall be charged for the issuance or renewal of a plate issued on an annual basis for a special group specified under par. (f) 35. to 47. An additional fee of $40 that is in addition to the fee under subd. 2. or 3. shall be charged for the issuance or renewal of a plate issued on a biennial basis for a special group specified under par. (f) 35. to 47. if the plate is issued or renewed during the first year of the biennial registration period or $20 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. The fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

**SECTION 3404.** 341.14 (6r) (b) 6. of the statutes is amended to read:

341.14 (6r) (b) 6. An additional fee of $20 that is in addition to the fee under subd. 3. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 53. An additional fee of $40 that is in addition to the fee under subd. 3. 2. shall be charged for the issuance or renewal of a plate issued on a biennial basis for the special group specified under par. (f) 53. if the plate is issued or renewed during the first year of the biennial registration period or $20 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision in excess of the initial costs of data processing for the special group plate under par. (f) 53. or $35,000, whichever is less, shall be deposited in the children’s
trust fund. To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 3405. 341.14 (6r) (b) 7. of the statutes is amended to read:

341.14 (6r) (b) 7. An additional fee of $25 that is in addition to the fee under subd. 3. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 54. An additional fee of $50 that is in addition to the fee under subd. 3. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 54. if the plate is issued or renewed during the first year of the biennial registration period or $25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision in excess of the initial costs of production of the special group plate under par. (f) 54. or $196,700, whichever is less, shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (5) (au). To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 3406. 341.14 (6r) (b) 8. (intro.) of the statutes is amended to read:

341.14 (6r) (b) 8. (intro.) An additional fee of $25 that is in addition to the fee under subd. 3. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 55. An additional fee of $50 that is in addition to the fee under subd. 3. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 55. if the plate is issued or renewed during the first year of the biennial registration period or $25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. For each professional football
team for which plates are produced under par. (f) 55., all moneys received under this
subdivision in excess of the initial costs of data processing for the special group plate
related to that team under par. (f) 55. or $35,000, whichever is less, shall be deposited
in the general fund and credited as follows:

SECTION 3407. 341.14 (8) of the statutes is amended to read:

341.14 (8) If a special plate for a group associated with a branch of the armed
services or otherwise military in nature has been issued to a person under this
section, upon application by the surviving spouse of the person, the department may
permit the surviving spouse to retain the plate. If the plate has been returned to the
department or surrendered to another state, the department may reissue the plate
to the surviving spouse. The department shall charge an additional fee of $10 $15
to reissue the plate. This subsection does not apply to a special plate issued under
s. 341.14 (1) or (1r).

SECTION 3408. 342.14 (1r) of the statutes is repealed and recreated to read:

342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
impact fee of $6, by the person filing the application. All moneys collected under this
subsection shall be credited to the environmental fund for environmental
management. This subsection does not apply after September 30, 2003.

SECTION 3409. 343.06 (1) (d) of the statutes is amended to read:

343.06 (1) (d) To any person whose dependence on alcohol has attained such
a degree that it interferes with his or her physical or mental health or social or
economic functioning, or who is addicted to the use of controlled substances or
controlled substance analogs, except that the secretary may issue a license if the
person submits to an examination, evaluation or treatment in a treatment facility
meeting the standards prescribed in s. 51.45 (8) (a) 51.04 (1), as directed by the
secretary, in accordance with s. 343.16 (5).

**SECTION 3410.** 343.24 (2) (a) of the statutes is amended to read:

343.24 (2) (a) For each file search, $3 $5.

**SECTION 3411.** 343.24 (2) (b) of the statutes is amended to read:

343.24 (2) (b) For each computerized search, $3 $5.

**SECTION 3412.** 343.24 (2) (c) of the statutes is amended to read:

343.24 (2) (c) For each search requested by telephone, $4 $6, or an established
monthly service rate determined by the department.

**SECTION 3413.** 343.24 (2m) of the statutes is amended to read:

343.24 (2m) If the department, in maintaining a computerized operating
record system, makes copies of its operating record file database, or a portion thereof,
on computer tape or other electronic media, copies of the tape or media may be
furnished to any person on request. The department may also furnish to any person
upon request records on computer tape or other electronic media that contain
information from files of uniform traffic citations or motor vehicle accidents and that
were produced for or developed by the department for purposes related to
maintenance of the operating record file database. The department shall charge a
fee of $3 $5 for each file of vehicle operators’ records contained in the tape or media.
The department shall charge a fee of not more than $3 $5 for each file of uniform
traffic citations or motor vehicle accidents contained in the tape or media. Nothing
in this subsection requires the department to produce records of particular files or
data in a particular format except as those records or data are made by the
department for its purposes.

**SECTION 3414.** 343.245 (3m) (b) of the statutes is amended to read:
343.245 (3m) (b) The department shall establish and collect reasonable fees from employers in the program sufficient to defray the costs of instituting and maintaining the program, including the registration and withdrawal of employees. The fee for each notification by the department to an employer under par. (a) shall be $3.$5.

**SECTION 3415.** 343.30 (1q) (b) 3. of the statutes is amended to read:

343.30 (1q) (b) 3. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of other convictions, suspensions and revocations counted under s. 343.307 (1) within a 10-year period, equals 2, the court shall revoke the person’s operating privilege for not less than one year nor more than 18 months. After the first 60 days of the revocation period, one year of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).

**SECTION 3416.** 343.30 (1q) (b) 4. of the statutes is amended to read:

343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of other convictions, suspensions and revocations counted under s. 343.307 (1), equals 3 or more, the court shall revoke the person’s operating privilege for not less than 2 years nor more than 3 years. After the first 90 days of the revocation period, one year of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan ordered under par. (c).
**SECTION 3417.** 343.301 (1) (a) of the statutes, as created by 1999 Wisconsin Act 109, is amended to read:

343.301 (1) (a) If a person improperly refuses to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one or more prior convictions, suspensions or revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime and other convictions, suspensions and revocations counted under s. 343.307 (1), the court may order that the person’s operating privilege for the operation of “Class D” vehicles be restricted to operating “Class D” vehicles that are equipped with an ignition interlock device. This paragraph does not apply if the court orders the immobilization of each motor vehicle owned by the person under sub. (2), or, if the person has 2 or more prior convictions, suspensions, or revocations for purposes of this paragraph, the court orders seizure and forfeiture under s. 346.65 (6).

**SECTION 3418.** 343.301 (1) (b) of the statutes, as created by 1999 Wisconsin Act 109, is amended to read:

343.301 (1) (b) The court may restrict the operating privilege restriction under par. (a) for a period of not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation, beginning one year after the operating privilege revocation period began.

**SECTION 3419.** 343.301 (2) (a) of the statutes, as created by 1999 Wisconsin Act 109, is amended to read:

343.301 (2) (a) If a person improperly refuses to take a test under s. 343.305 or violates s. 346.63 (1) or (2), 940.09 (1) or 940.25, and the person has a total of one or more prior convictions, suspensions or revocations, counting convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime and other convictions, suspensions and
revocations counted under s. 343.307 (1), the court \textbf{may} \textbf{shall} order that the motor vehicle used during the refusal or violation and each motor vehicle owned by the person be immobilized. This paragraph does not apply if the court orders that the person’s operating privilege for the operation of “Class D” vehicles be restricted to operating “Class D” vehicles that are equipped with an ignition interlock device under sub. (1), or, if the person has 2 or more prior convictions, suspensions, or revocations for purposes of this paragraph, the court orders seizure and forfeiture under s. 346.65 (6).

\textbf{SECTION 3420.} 343.301 (2) (b) of the statutes, as created by 1999 Wisconsin Act 109, is amended to read:

343.301 (2) (b) The court \textbf{may} \textbf{shall} order the immobilization under par. (a) for a period of not less than one year nor more than the maximum operating privilege revocation period permitted for the refusal or violation, beginning on the first day of the operating privilege revocation period.

\textbf{SECTION 3421.} 343.305 (10) (b) 3. of the statutes is amended to read:

343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of other convictions, suspensions and revocations counted under s. 343.307 (2) within a 10−year period, equals 2, the court shall revoke the person’s operating privilege for 2 years. After the first 90 days one year of the revocation period has elapsed, the person is eligible for an occupational license under s. 343.10 if he or she has completed the assessment and is complying with the driver safety plan.

\textbf{SECTION 3422.} 343.305 (10) (b) 4. of the statutes is amended to read:

343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of other...
convictions, suspensions and revocations counted under s. 343.307 (2), equals 3 or
more, the court shall revoke the person’s operating privilege for 3 years. After the
first 120 days one year of the revocation period has elapsed, the person is eligible for
an occupational license under s. 343.10 if he or she has completed the assessment and
is complying with the driver safety plan.

SECTION 3423. 343.305 (10m) of the statutes, as affected by 1999 Wisconsin Act
109, is amended to read:

343.305 (10m) Refusals; seizure, immobilization or ignition interlock of a
motor vehicle. If the person whose operating privilege is revoked under sub. (10)
has one or more prior convictions, suspensions or revocations, as counted under s.
343.307 (1), the procedure under s. 343.301 shall be followed if the court orders the
immobilization of the motor vehicle used in the commission of the offense and owned
by the person or if the court requires that the person’s operating privilege for the
operation of “Class D” vehicles be restricted to operating “Class D” vehicles equipped
with an ignition interlock device. If the number of convictions under ss. 940.09 (1)
and 940.25 in the lifetime of the person whose operating privilege is revoked under
sub. (10), plus the total number of other convictions, suspensions and revocations
counted under s. 343.307 (1), equals 2 or more, the procedure under s. 346.65 (6) shall
be followed if the court orders the seizure and forfeiture of the motor vehicle used in
the improper refusal and owned by the person.

SECTION 3424. 343.31 (3) (bm) 3. of the statutes is amended to read:

343.31 (3) (bm) 3. Except as provided in subd. 4m., if the number of convictions
under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of
suspending, revocations and other convictions counted under s. 343.307 (1) within
a 10-year period, equals 2, the department shall revoke the person’s operating
privilege for not less than one year nor more than 18 months. If an Indian tribal court in this state revokes the person’s privilege to operate a motor vehicle on tribal lands for not less than one year nor more than 18 months for the conviction specified in par. (bm) (intro.), the department shall impose the same period of revocation. After the first 60 days of the revocation period, the person is eligible for an occupational license under s. 343.10.

Section 3425. 343.31 (3) (bm) 4. of the statutes is amended to read:

343.31 (3) (bm) 4. Except as provided in subd. 4m., if the number of convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of other suspensions, revocations and convictions counted under s. 343.307 (1), equals 3 or more, the department shall revoke the person’s operating privilege for not less than 2 years nor more than 3 years. If an Indian tribal court in this state revokes the person’s privilege to operate a motor vehicle on tribal lands for not less than 2 years nor more than 3 years for the conviction specified in par. (bm) (intro.), the department shall impose the same period of revocation. After the first 90 days of the revocation period have elapsed, the person is eligible for an occupational license under s. 343.10.

Section 3426. 343.31 (3m) (a) of the statutes is amended to read:

343.31 (3m) (a) Any person who has his or her operating privilege revoked under sub. (3) (c) or (f) is eligible for an occupational license under s. 343.10 after the first 120 days of the revocation period, except that if a person has one or more prior convictions, suspensions, or revocations for any offense that is counted under s. 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one year of the revocation period has elapsed.
SECTION 3427. 343.31 (3m) (b) of the statutes is amended to read:

343.31 (3m) (b) Any person who has his or her operating privilege revoked under sub. (3) (e) is eligible for an occupational license under s. 343.10 after the first 60 days of the revocation period, except that if a person has one or more prior convictions, suspensions, or revocations for any offense that is counted under s. 343.307 (1), the person is eligible for an occupational license under s. 343.10 after one year of the revocation period has elapsed.

SECTION 3428. 345.26 (1) (b) 1. of the statutes is amended to read:

345.26 (1) (b) 1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation, and the person will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 757.05, a law enforcement training fund assessment, if required by s. 165.87 (1), a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if required by s. 165.755, plus any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit that the court may accept as provided in s. 345.37; and

SECTION 3429. 345.26 (2) (b) of the statutes is amended to read:

345.26 (2) (b) In addition to the amount in par. (a), the deposit shall include court costs, including any applicable fees prescribed in ch. 814, any applicable penalty assessment, any applicable law enforcement training fund assessment, any applicable jail assessment, any applicable railroad crossing improvement assessment, and any applicable crime laboratories and drug law enforcement assessment.
SECTION 3430. 345.36 (2) (b) of the statutes is amended to read:

345.36 (2) (b) Deem the nonappearance a plea of no contest and enter judgment accordingly. If the defendant has posted bond for appearance at that date, the court may also order the bond forfeited. The court shall promptly mail a copy of the judgment to the defendant. The judgment shall allow not less than 20 days from the date thereof for payment of any forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, railroad crossing improvement assessment, crime laboratories and drug law enforcement assessment, and costs imposed. If the defendant moves to open the judgment within 20 days after the date set for trial, and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court shall open the judgment, reinstate the not guilty plea, and set a new trial date. The court may impose costs under s. 814.07. The court shall immediately notify the department to delete the record of conviction based upon the original judgment.

SECTION 3431. 345.37 (1) (b) of the statutes is amended to read:

345.37 (1) (b) Deem the nonappearance a plea of no contest and enter judgment accordingly. If the defendant has posted bond for appearance at that date, the court may also order the bond forfeited. The court shall promptly mail a copy or notice of the judgment to the defendant. The judgment shall allow not less than 20 days from the date thereof for payment of any forfeiture, penalty assessment, law enforcement training fund assessment, railroad crossing improvement assessment, crime laboratories and drug law enforcement assessment, and costs imposed. If the defendant moves to open the judgment within 6 months after the court appearance date fixed in the citation, and shows to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise, or excusable neglect, the court
shall open the judgment, accept a not guilty plea, and set a trial date. The court may impose costs under s. 814.07. The court shall immediately notify the department to delete the record of conviction based upon the original judgment. If the offense involved is a nonmoving traffic violation and the defendant is subject to s. 345.28 (5) (c), a default judgment may be entered and opened as provided in s. 345.28 (5) (c).

**SECTION 3432.** 345.37 (2) of the statutes is amended to read:

345.37 (2) If the defendant has made a deposit under s. 345.26, the citation may serve as the initial pleading and the defendant shall be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment, if required by s. 757.05, a law enforcement training fund assessment, if required by s. 165.87 (1), a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if required by s. 165.755, plus costs, including any applicable fees prescribed in ch. 814, not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons under ch. 968. If the defendant fails to appear in response to the summons, the court shall issue a warrant under ch. 968. If the court accepts the plea of no contest, the defendant may move within 6 months after the date set for the appearance to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty upon a showing to the satisfaction of the court that the failure to appear was due to mistake, inadvertence, surprise, or excusable neglect. If on reopening the defendant is found not guilty, the court shall immediately notify the department to delete the record of conviction based on the original proceeding and shall order the defendant’s deposit returned.

**SECTION 3433.** 345.37 (5) of the statutes is amended to read:
345.37 (5) Within 5 working days after forfeiture of deposit or entry of default judgment, the official receiving the forfeiture, the penalty assessment, if required by s. 757.05, the law enforcement training fund assessment, if required by s. 165.87 (1), the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if required by s. 165.755, shall forward to the department a certification of the entry of default judgment or a judgment of forfeiture.

SECTION 3434. 345.375 (2) of the statutes is amended to read:

345.375 (2) Upon default of the defendant corporation or limited liability company or upon conviction, judgment for the amount of the forfeiture, the penalty assessment, if required under s. 757.05, the law enforcement training fund assessment, if required under s. 165.87 (1), the jail assessment, if required by s. 302.46 (1), and the crime laboratories and drug law enforcement assessment, if required under s. 165.755, shall be entered.

SECTION 3435. 345.47 (1) (intro.) of the statutes is amended to read:

345.47 (1) (intro.) If the defendant is found guilty, the court may enter judgment against the defendant for a monetary amount not to exceed the maximum forfeiture, penalty assessment, if required by s. 757.05, the law enforcement training fund assessment, if required by s. 165.87 (1), the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if required by s. 165.755, provided for the violation and for costs under s. 345.53 and, in addition, may suspend or revoke his or her operating privilege under s. 343.30. If the judgment is not paid, the court shall order:
SECTION 3436. 345.47 (1) (b) of the statutes is amended to read:

345.47 (1) (b) In lieu of imprisonment and in addition to any other suspension or revocation, that the defendant’s operating privilege be suspended. The operating privilege shall be suspended for 30 days or until the person pays the forfeiture, the penalty assessment, if required by s. 757.05, the law enforcement training fund assessment, if required by s. 165.87 (1), the jail assessment, if required by s. 302.46 (1), the railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment, if required by s. 165.755, but not to exceed 2 years. Suspension under this paragraph shall not affect the power of the court to suspend or revoke under s. 343.30 or the power of the secretary to suspend or revoke the operating privilege. This paragraph does not apply if the judgment was entered solely for violation of an ordinance unrelated to the violator’s operation of a motor vehicle.

SECTION 3437. 345.47 (1) (c) of the statutes is amended to read:

345.47 (1) (c) If a court or judge suspends an operating privilege under this section, the court or judge shall immediately take possession of the suspended license and shall forward it to the department together with the notice of suspension, which shall clearly state that the suspension was for failure to pay a forfeiture, a penalty assessment, if required by s. 757.05, a law enforcement training fund assessment, if required by s. 165.87 (1), a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), and a crime laboratories and drug law enforcement assessment, if required by s. 165.755, imposed by the court. The notice of suspension and the suspended license, if it is available, shall be forwarded to the department within 48 hours after the order of suspension. If the forfeiture, penalty assessment, law enforcement training fund
assessment, jail assessment, railroad crossing improvement assessment, and crime laboratories and drug law enforcement assessment are paid during a period of suspension, the court or judge shall immediately notify the department. Upon receipt of the notice and payment of the reinstatement fee under s. 343.21 (1) (j), the department shall return the surrendered license.

**SECTION 3438.** 345.47 (2) of the statutes is amended to read:

345.47 (2) The payment of any judgment may be suspended or deferred for not more than 60 days in the discretion of the court. In cases where a deposit has been made, any forfeitures, penalty assessments, law enforcement training fund assessments, jail assessments, railroad crossing improvement assessments, crime laboratories and drug law enforcement assessments, and costs shall be taken out of the deposit and the balance, if any, returned to the defendant.

**SECTION 3439.** 345.47 (3) of the statutes is amended to read:

345.47 (3) When a defendant is imprisoned for nonpayment of a forfeiture, a penalty assessment, a law enforcement training fund assessment, a jail assessment, a railroad crossing improvement assessment, or a crime laboratories and drug law enforcement assessment for an action brought by a municipality located in more than one county, any commitment to a county institution shall be to the county in which the action was tried.

**SECTION 3440.** 345.49 (1) of the statutes is amended to read:

345.49 (1) Any person imprisoned under s. 345.47 for nonpayment of a forfeiture, a penalty assessment, if required by s. 757.05, a law enforcement training fund assessment, if required by s. 165.87 (1), a jail assessment, if required by s. 302.46 (1), a railroad crossing improvement assessment, if required by s. 346.177, 346.495 or 346.65 (4r), or a crime laboratories and drug law enforcement assessment,
if required by s. 165.755, may, on request, be allowed to work under s. 303.08. If the
person does work, earnings shall be applied on the unpaid forfeiture, penalty
assessment, law enforcement training fund assessment, jail assessment, railroad
crossing improvement assessment, or crime laboratories and drug law enforcement
assessment after payment of personal board and expenses and support of personal
dependents to the extent directed by the court.

SECTION 3441. 345.49 (2) of the statutes is amended to read:

345.49 (2) Any person who is subject to imprisonment under s. 345.47 for
nonpayment of a forfeiture, penalty assessment, law enforcement training fund
assessment, jail assessment, railroad crossing improvement assessment, or crime
laboratories and drug law enforcement assessment may be placed on probation to
some person satisfactory to the court for not more than 90 days or until the forfeiture,
penalty assessment, law enforcement training fund assessment, jail assessment,
railroad crossing improvement assessment, or crime laboratories and drug law
enforcement assessment is paid if that is done before expiration of the 90-day period.
The payment of the forfeiture, penalty assessment, law enforcement training fund
assessment, jail assessment, railroad crossing improvement assessment, or crime
laboratories and drug law enforcement assessment during that period shall be a
condition of the probation. If the forfeiture, penalty assessment, law enforcement
training fund assessment, jail assessment, railroad crossing improvement
assessment, or crime laboratories and drug law enforcement assessment is not paid
or the court deems that the interests of justice require, probation may be terminated
and the defendant imprisoned as provided in sub. (1) or s. 345.47.

SECTION 3442. 345.61 (2) (c) of the statutes is amended to read:
345.61 (2) (c) “Guaranteed arrest bond certificate” as used in this section means any printed card or other certificate issued by an automobile club, association or insurance company to any of its members or insureds, which card or certificate is signed by the member or insureds and contains a printed statement that the automobile club, association or insurance company and a surety company, or an insurance company authorized to transact both automobile liability insurance and surety business, guarantee the appearance of the persons whose signature appears on the card or certificate and that they will in the event of failure of the person to appear in court at the time of trial, pay any fine or forfeiture imposed on the person, including the penalty assessment required by s. 757.05, the law enforcement training fund assessment required by s. 165.87 (1), the jail assessment required by s. 302.46 (1), the railroad crossing improvement assessment required by s. 346.177, 346.495 or 346.65 (4r), and the crime laboratories and drug law enforcement assessment required by s. 165.755, in an amount not exceeding $200, or $1,000 as provided in sub. (1) (b).

SECTION 3443. 346.65 (6) (a) 1. of the statutes, as affected by 1999 Wisconsin Act 109, section 56j, is amended to read:

346.65 (6) (a) 1. The court may order a law enforcement officer to seize the motor vehicle used in the violation or improper refusal and owned by the person whose operating privilege is revoked under s. 343.305 (10) or who committed a violation of s. 346.63 (1) (a) or (b) or (2) (a) 1. or 2., 940.09 (1) (a), (b), (c) or (d) or 940.25 (1) (a), (b), (c) or (d) if the person whose operating privilege is revoked under s. 343.305 (10) or who is convicted of the violation has 2 or more prior suspensions, revocations or convictions, counting convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus other convictions, suspensions or revocations counted
under s. 343.307 (1). The court may not order a motor vehicle seized if the court enters an order under s. 343.301 (1) (a) or (2) (a) or if seizure would result in undue hardship or extreme inconvenience or would endanger the health and safety of a person.

**SECTION 3444.** 346.655 (1) of the statutes is amended to read:

346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63 (1) or (5), or a local ordinance in conformity therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall impose a driver improvement surcharge in an amount of $345 in addition to the fine or forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, and crime laboratories and drug law enforcement assessment.

**SECTION 3445.** 346.655 (2) (b) of the statutes is amended to read:

346.655 (2) (b) If the forfeiture is imposed by a municipal court, the court shall transmit the amount to the treasurer of the county, city, town, or village, and that treasurer shall make payment of 38.5% of the amount to the state treasurer as provided in s. 66.0114 (1) (b) (bm). The treasurer of the city, town, or village shall transmit the remaining 61.5% of the amount to the treasurer of the county.

**SECTION 3446.** 348.25 (8) (a) 1. of the statutes is amended to read:

348.25 (8) (a) 1. For a vehicle or combination of vehicles which exceeds length limitations, $15, except that if the application for a permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003 January 1, 2008, the fee is $17.

**SECTION 3447.** 348.25 (8) (a) 2. of the statutes is amended to read:

348.25 (8) (a) 2. For a vehicle or combination of vehicles which exceeds either width limitations or height limitations, $20, except that if the application for a
permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003 January 1, 2008, the fee is $22.

**SECTION 3448.** 348.25 (8) (a) 2m. of the statutes is amended to read:

348.25 (8) (a) 2m. For a vehicle or combination of vehicles which exceeds both width and height limitations, $25, except that if the application for a permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003 January 1, 2008, the fee is $28.

**SECTION 3449.** 348.25 (8) (b) 1. of the statutes is amended to read:

348.25 (8) (b) 1. For a vehicle or combination of vehicles which exceeds length limitations, $60, except that if the application for a permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003 January 1, 2008, the fee is $66.

**SECTION 3450.** 348.25 (8) (b) 2. of the statutes is amended to read:

348.25 (8) (b) 2. For a vehicle or combination of vehicles which exceeds width limitations or height limitations or both, $90, except that if the application for a permit for a vehicle described in this subdivision is submitted to the department after December 31, 1999, and before July 1, 2003 January 1, 2008, the fee is $99.

**SECTION 3451.** 348.25 (8) (b) 3. a. of the statutes is amended to read:

348.25 (8) (b) 3. a. If the gross weight is 90,000 pounds or less, $200, except that if the application for a permit for a vehicle described in this subd. 3. a. is submitted to the department after December 31, 1999, and before July 1, 2003 January 1, 2008, the fee is $220.

**SECTION 3452.** 348.25 (8) (b) 3. b. of the statutes is amended to read:

348.25 (8) (b) 3. b. If the gross weight is more than 90,000 pounds but not more than 100,000 pounds, $350, except that if the application for a permit for a vehicle
described in this subd. 3. b. is submitted to the department after December 31, 1999, and before January 1, 2008, the fee is $385.

SECTION 3453. 348.25 (8) (b) 3. c. of the statutes is amended to read:

348.25 (8) (b) 3. c. If the gross weight is greater than 100,000 pounds, $350 plus $100 for each 10,000-pound increment or fraction thereof by which the gross weight exceeds 100,000 pounds, except that if the application for a permit for a vehicle described in this subd. 3. c. is submitted to the department after December 31, 1999, and before January 1, 2008, the fee is $385 plus $110 for each 10,000-pound increment or fraction thereof by which the gross weight exceeds 100,000 pounds.

SECTION 3454. 348.25 (8) (bm) 1. of the statutes is amended to read:

348.25 (8) (bm) 1. Unless a different fee is specifically provided, the fee for a consecutive month permit is one-twelfth of the fee under par. (b) for an annual permit times the number of months for which the permit is desired, plus $15 for each permit issued. This subdivision does not apply to applications for permits submitted after December 31, 1999, and before January 1, 2008.

SECTION 3455. 348.25 (8) (bm) 2. of the statutes is amended to read:

348.25 (8) (bm) 2. Unless a different fee is specifically provided, the fee for a consecutive month permit is one-twelfth of the fee under par. (b) for an annual permit times the number of months for which the permit is desired, plus $16.50 for each permit issued, rounded to the nearest whole dollar. This subdivision does not apply to applications submitted before January 1, 2000, or submitted after June 30, 2003 December 31, 2007.

SECTION 3456. 348.27 (10) of the statutes is amended to read:
348.27 (10) Transportation of grain or coal or iron. The department may issue annual or consecutive month permits for the transportation of loads of grain, as defined in s. 127.01 (18) 126.01 (13), coal, iron ore concentrates or alloyed iron on a vehicle or a combination of 2 or more vehicles that exceeds statutory weight or length limitations and for the return of the empty vehicle or combination of vehicles over any class of highway for a distance not to exceed 5 miles from the Wisconsin state line. If the roads desired to be used by the applicant involve streets or highways other than those within the state trunk highway system, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the other highway. This subsection does not apply to highways designated as part of the national system of interstate and defense highways.

Section 3457. 350.01 (3r) of the statutes is repealed.

Section 3458. 350.01 (10t) of the statutes is created to read:

350.01 (10t) "Registration documentation" means a snowmobile registration certificate, a validated registration receipt, or a registration decal.

Section 3459. 350.01 (22) of the statutes is created to read:

350.01 (22) "Validated registration receipt" means a receipt issued by the department or an agent under s. 350.12 (3h) (ag) 1. a. that shows that an application and the required fee for a registration certificate has been submitted to the department.

Section 3460. 350.12 (3) (a) (intro.) of the statutes is amended to read:

350.12 (3) (a) (intro.) Except as provided under subs. (2) and (5) (cm), no person may operate and no owner may give permission for the operation of any snowmobile within this state unless the snowmobile is registered for public use or private use under this paragraph or s. 350.122 or as an antique under par. (b) and has the
registration decals displayed as required under sub. (5) or s. 350.122 or unless the
snowmobile has a reflectorized plate attached as required under par. (c) 3. A
snowmobile that is not registered as an antique under par. (b) may be registered for
public use. A snowmobile that is not registered as an antique under par. (b) and that
is used exclusively on private property, as defined under s. 23.33 (1) (n), may be
registered for private use. A snowmobile public-use registration certificate is valid
for 2 years beginning on the July 1 prior to the date of application if registration is
made prior to April 1 and beginning on the July 1 subsequent to the date of
application if registration is made after April 1 and ending on June 30, 2 years
thereafter. A snowmobile private-use registration certificate is valid from the date
of issuance until ownership of the snowmobile is transferred. The fee for the issuance
or renewal of a public-use registration certificate is $20 except that the fee is
$5 if it is a snowmobile owned and operated by a political subdivision of this state.
There is no fee for the issuance of a private-use registration certificate or for the
issuance of a registration certificate to the state.

SECTION 3461. 350.12 (3) (a) 3. of the statutes is amended to read:

350.12 (3) (a) 3. The purchaser shall complete the application for transfer and
cause it to be mailed or delivered to the department or an agent appointed under sub.
(3h) (a) 3. within 10 days from the date of purchase. A fee of $5 shall be paid for
transfer of a current registration certificate.

SECTION 3462. 350.12 (3) (c) 2. of the statutes is amended to read:

350.12 (3) (c) 2. The fee for issuing or renewing a commercial snowmobile
certificate is $60. Upon receipt of the application form required by the
department and the fee required under this subdivision, the department shall issue
to the applicant a commercial snowmobile certificate and 3 reflectorized plates. The fee for additional reflectorized plates is $20 $30 per plate.

**SECTION 3463.** 350.12 (3) (cm) of the statutes is created to read:

350.12 (3) (cm) Subsection (3h) does not apply to commercial snowmobile certificates, reflectorized plates, or registration certificates issued for antique snowmobiles under par. (b).

**SECTION 3464.** 350.12 (3) (d) of the statutes is amended to read:

350.12 (3) (d) Upon receipt of the required fee, a sales tax report, payment of sales and use taxes due under s. 77.61 (1)\textsubscript{a} and an application on forms prescribed by it, the department or an agent appointed under sub. (3h) (a) \textsubscript{3}, shall issue to the applicant an original registration certificate stating the registration number, the name and address of the owner, and other information the department deems necessary or a validated registration receipt. The department or an agent appointed under sub. (3h) (a) \textsubscript{3}, shall issue 2 registration decals per snowmobile owned by an individual owner, this state, or a political subdivision of this state. The decals shall be no larger than 3 inches in height and 6 inches in width. The decals shall contain reference to the state, the department, whether the snowmobile is registered for public use or private use under par. (a), or as an antique under par. (b), and shall show the expiration date of the registration.

**SECTION 3465.** 350.12 (3) (e) of the statutes is amended to read:

350.12 (3) (e) If a commercial snowmobile certificate, registration certificate, registration decal, commercial snowmobile certificate, or reflectorized plate is lost or destroyed, the holder of the certificate, decal, or plate may apply for a duplicate on forms provided for by the department accompanied by a fee of $5. Upon receipt of a proper application and the required fee, the department or an agent appointed
under sub. (3h) (a) 3. shall issue a duplicate certificate, decal, or plate to the applicant.

**Section 3466.** 350.12 (3h) (title) of the statutes is amended to read:

350.12 (3h) (title) Registration; renewals; agents procedures.

**Section 3467.** 350.12 (3h) (a) (intro.) of the statutes is amended to read:

350.12 (3h) (a) Issuance; appointment of agents Issuers. (intro.) For the issuance of snowmobile certificates original or duplicate registration documentation and for the transfer or renewal of registration documentation, the department may do any of the following:

**Section 3468.** 350.12 (3h) (a) 1. of the statutes is amended to read:

350.12 (3h) (a) 1. Directly issue the certificates, transfer, or renew the registration documentation with or without using the expedited services specified in par. (ag) 1.

**Section 3469.** 350.12 (3h) (a) 2. of the statutes is repealed.

**Section 3470.** 350.12 (3h) (a) 3. of the statutes is amended to read:

350.12 (3h) (a) 3. Appoint persons who are not employees of the department as agents of the department to issue the certificates as agents of the department, transfer, or renew the registration documentation using either or both of the expedited services specified in par. (ag) 1.

**Section 3471.** 350.12 (3h) (ag) of the statutes is created to read:

350.12 (3h) (ag) Registration; methods of issuance. 1. For the issuance of original or duplicate registration documentation and for the transfer or renewal of registration documentation, the department may implement either or both of the following expedited procedures to be provided by the department and any agents appointed under par. (a) 3.:
a. A noncomputerized procedure under which the department or agent may accept applications for registration certificates and issue a validated registration receipt at the time the applicant submits the application accompanied by the required fees.

b. A computerized procedure under which the department or agent may accept applications for registration documentation and issue to each applicant all or some of the items of the registration documentation at the time the applicant submits the application accompanied by the required fees.

2. Under either procedure under subd. 1., the applicant shall receive any remaining items of registration documentation directly from the department at a later date. The items of registration documentation issued at the time of the submittal of the application under either procedure shall be sufficient to allow the snowmobile for which the application is submitted to be operated in compliance with the registration requirements under this section.

SECTION 3472. 350.12 (3h) (ar) of the statutes is created to read:

350.12 (3h) (ar) Fees. 1. In addition to the applicable fee under sub. (3) (a), each agent appointed under par. (a) 3. shall collect an expedited service fee of $3 each time the agent issues a validated registration receipt under par. (ag) 1. a. The agent shall retain the entire amount of each expedited service fee the agent collects.

2. In addition to the applicable fee under sub. (3) (a), the department or the agent appointed under par. (a) 3. shall collect an expedited service fee of $3 each time the expedited service under par. (ag) 1. b. is provided. The agent shall remit to the department $1 of each expedited service fee the agent collects.

SECTION 3473. 350.12 (3h) (b) of the statutes is repealed.

SECTION 3474. 350.12 (3h) (c) of the statutes is repealed.
SECTION 3475. 350.12 (3h) (d) of the statutes is repealed.

SECTION 3476. 350.12 (3h) (e) of the statutes is repealed.

SECTION 3477. 350.12 (3h) (f) of the statutes is repealed.

SECTION 3478. 350.12 (3h) (g) of the statutes is amended to read:

350.12 (3h) (g) Remittal Receipt of fees. An agent appointed under par. (e) shall remit to the department $2 of each $3 fee collected under par. (f). Any All fees remitted to or collected by the department under par. (d) or (f) (ar) shall be credited to the appropriation account under s. 20.370 (9) (hu).

SECTION 3479. 350.12 (3h) (h) of the statutes is created to read:

350.12 (3h) (h) Rules. The department may promulgate rules to establish eligibility and other criteria for the appointment of agents under par. (a) 3. and to regulate the activities of these agents.

SECTION 3480. 350.12 (3j) (b) of the statutes is amended to read:

350.12 (3j) (b) The fee for a trail use sticker issued for a snowmobile that is exempt from registration under sub. (2) (b) or (bn) is $12.25 $17.25. A trail use sticker issued for such a snowmobile may be issued only by the department and persons appointed by the department and expires on June 30 of each year.

SECTION 3481. 350.12 (4) (a) (intro.) of the statutes is amended to read:

350.12 (4) (a) Enforcement, administration and related costs. (intro.) The moneys appropriated from s. 20.370 (3) (ak) and (aq), (5) (ek) and (es), and (9) (mu) and (mw) may be used for the following:

SECTION 3482. 350.12 (4) (a) 4. of the statutes is amended to read:

350.12 (4) (a) 4. An amount necessary to pay the cost of law enforcement aids to counties as appropriated under s. 20.370 (5) (ek) and (es). On or before June 1, a county shall file with the department on forms prescribed by the department a
detailed statement of the costs incurred by the county in the enforcement of this
chapter during the preceding May 1 to April 30. The department shall audit the
statements and determine the county’s net costs for enforcement of this chapter. The
department shall compute the state aids on the basis of 100% of these net costs and
shall pay these aids on or before October 1. If the state aids payable to counties
exceed the moneys available for such purpose, the department shall prorate the
payments.

Section 3483. 350.12 (4) (b) (intro.) of the statutes is amended to read:

350.12 (4) (b) Trail aids and related costs. (intro.) The moneys appropriated
under s. 20.370 (1) (mq) and (5) (cb), (cr) and (cs), and (cw) shall be used for
development and maintenance, the cooperative snowmobile sign program, major
reconstruction or rehabilitation to improve bridges on existing approved trails, trail
rehabilitation, signing of snowmobile routes, and state snowmobile trails and areas
and distributed as follows:

Section 3484. 350.12 (4) (bg) of the statutes is renumbered 350.12 (4) (bg) 1.
and amended to read:

350.12 (4) (bg) 1. Of the moneys appropriated under s. 20.370 (5) (cs), the
department shall make available in fiscal year 1992–93 2001–02 and each fiscal year
thereafter an amount equal to the amount calculated under s. 25.29 (1) (d) 2. to make
payments to the department or a county under par. (bm) for trail maintenance costs
incurred in the previous fiscal year that exceed the maximum specified under par.
(b) 1. before expending any of the amount for the other purposes specified in par. (b).

Section 3485. 350.12 (4) (bg) 2. of the statutes is created to read:

350.12 (4) (bg) 2. For fiscal year 2001–02, and for each fiscal year thereafter,
the department shall calculate an amount equal to the number of trail use stickers
issued under sub. (3j) in the previous fiscal year multiplied by $15 and shall credit
this amount to the appropriation account under s. 20.370 (5) (cw). From the
appropriation under s. 20.370 (5) (cw), the department shall make payments to the
department or a county for the purposes specified in par. (b). The department shall
make payments under par. (bm) for trail maintenance costs that were incurred in the
previous fiscal year and that exceed the maximum specified under par. (b) 1. before
making payments for any of the other purposes specified in par. (b).

SECTION 3486. 350.12 (5) (b) of the statutes is amended to read:

350.12 (5) (b)  The registration certificate or, for owners an owner who
purchased a snowmobile and who have has received an approved application for a
validated registration receipt validated by the department but who have has not yet
received the registration certificate, the approved application for validated
registration receipt shall be in the possession of the user of person operating the
snowmobile at all times.

SECTION 3487. 350.12 (5) (c) of the statutes is amended to read:

350.12 (5) (c)  The registration certificate or, for owners an owner who
purchased a snowmobile and who have has received an approved application for a
validated registration receipt validated by the department but who have has not yet
received the registration certificate, the approved application for validated
registration receipt shall be exhibited, upon demand, by the user operator of the
snowmobile for inspection by any person authorized to enforce this section as
provided under s. 350.17 (1) and (3).

SECTION 3488. 350.12 (5) (cm) of the statutes is amended to read:

350.12 (5) (cm)  A person may operate a snowmobile without having the
registration decals displayed as provided under par. (a) if the owner has received an
SECTION 3488. 350.12 (5) (d) of the statutes is amended to read:

350.12 (5) (d) At the end of the registration period the department shall send the owner of each snowmobile a renewal application. The owner shall sign the renewal application and return or present the application and the proper fee to the department or present the application and fee to an agent appointed under sub. (3h) (e) (a) 3.

SECTION 3490. 350.125 (1) (a) of the statutes is renumbered 350.125 (1) (a) (intro.) and amended to read:

350.125 (1) (a) (intro.) When a snowmobile dealer sells a snowmobile, the dealer, at the time of sale, shall require the buyer to complete an application for a original registration certificate, collect the required fee, and mail do one of the following:

1. Mail the application and fee to the department no later than 5 days after the date of sale and furnish the buyer with a validated registration receipt.

   (ag) The department shall provide combination application and receipt forms and the dealer shall furnish the buyer with a completed receipt showing that application for registration has been made to be used by the dealer. This completed

   (am) The validated registration receipt shall be in the possession of the user

   of person operating the snowmobile until the registration certificate is received.

   (ar) No snowmobile dealer may charge an additional fee to the buyer for performing the service required under this subsection unless the dealer uses the
expedited service specified in s. 350.12 (3h) (ag). No snowmobile dealer may perform this service for a registration under s. 350.122.

**SECTION 3491.** 350.125 (1) (a) 2. of the statutes is created to read:

350.125 (1) (a) 2. Use the expedited service under s. 350.12 (3h) (ag) as an agent of the department.

**SECTION 3492.** 409.102 (1) (intro.) of the statutes is amended to read:

409.102 (1) (intro.) Except as otherwise provided in s. 409.104 on excluded transactions and s. 16.63 (4) on transactions involving tobacco settlement revenues, this chapter applies:

**SECTION 3493.** 426.201 (2) (intro.) of the statutes is amended to read:

426.201 (2) (intro.) Each person subject to the registration requirements under sub. (1) shall file a registration statement with the administrator within 30 days after commencing business in this state, and thereafter, on or before February 28 of each year. The registration statement shall include all of the following information:

**SECTION 3494.** 426.201 (2) (fm) of the statutes is amended to read:

426.201 (2) (fm) The average monthly outstanding year-end balance of all consumer credit transactions held by the person for the reporting period for which the registration statement is filed. In this paragraph, “average monthly outstanding year-end balance” and “reporting period” have the meanings has the meaning given under s. 426.202 (1m) (a).

**SECTION 3495.** 426.201 (2m) of the statutes is created to read:

426.201 (2m) (a) Except as provided in par. (b), each person subject to the registration requirements under sub. (1) shall file a registration statement containing the information under sub. (2) (a) to (g) no later than February 28 of each year following the year of the person’s initial registration under sub. (2).
(b) 1. In this paragraph, “year-end balance” has the meaning given in s. 426.202 (1m) (a).

2. Paragraph (a) does not apply if the person’s year-end balance is not more than $250,000.

Section 3496. 426.201 (3) of the statutes is amended to read:

426.201 (3) The administrator shall adopt rules governing the filing of changes, additions, or modifications of the registration statement required by this section, and shall adopt rules pertaining to form, verification, fees, and similar matters pertaining to the registration.

Section 3497. 426.202 (1m) (a) 1. (intro.) of the statutes is renumbered 426.202 (1m) (a) 3. and amended to read:

426.202 (1m) (a) 3. “Average outstanding monthly ‘Year-end balance’ means, for any person during any reporting period, the amount calculated as follows: outstanding balance of all consumer credit transactions that a person has entered into or has obtained by assignment, and that originated in this state, as of December 31 preceding the annual registration filing date under s. 426.201 (2m) (a).

Section 3498. 426.202 (1m) (a) 1. a. of the statutes is repealed.

Section 3499. 426.202 (1m) (a) 1. b. of the statutes is repealed.

Section 3500. 426.202 (1m) (a) 1. c. of the statutes is repealed.

Section 3501. 426.202 (1m) (b) of the statutes is amended to read:

426.202 (1m) (b) Registration fee requirement. Any person required to register under s. 426.201 shall pay a registration fee to the administrator when the person files the registration statement required under s. 426.201, except that a person is not required to pay a registration fee under this section if the person’s average outstanding monthly balance for that reporting period does not exceed $250,000.
SECTION 3502. 426.202 (1m) (c) of the statutes is amended to read:

426.202 (1m) (c) Amount of registration fee. The amount of the registration fee shall be determined in accordance with rates set by the administrator, subject to the maximum and minimum fees under pars. (d) and (e). In setting these rates, the administrator shall consider the costs of administering chs. 421 to 427 and 429, including the costs of enforcement, education and seeking voluntary compliance with chs. 421 to 427 and 429. Subject to pars. (d) and (e), the registration fee for a person shall be based on the person’s average monthly outstanding year-end balance during for the reporting period.

SECTION 3503. 426.202 (1m) (d) of the statutes is repealed.

SECTION 3504. 426.202 (1m) (e) of the statutes is repealed.

SECTION 3505. 440.05 (1) (a) of the statutes is amended to read:

440.05 (1) (a) Initial credential: $44 $56. Each applicant for an initial credential shall pay the initial credential fee to the department when the application materials for the initial credential are submitted to the department.

SECTION 3506. 440.05 (1) (b) of the statutes is amended to read:

440.05 (1) (b) Examination: If an examination is required, the applicant shall pay an examination fee to the department. If the department prepares, administers, or grades the examination, the fee for examination to the department shall be an amount equal to the department’s best estimate of the actual cost of preparing, administering and grading the examination or obtaining and administering an approved examination from a test service. If the department approves an examination prepared, administered, and graded by a test service provider, the fee to the department shall be an amount equal to the department’s best
estimate of the actual cost of approving the examination, including selecting, evaluating, and reviewing the examination.

SECTION 3507. 440.08 (1) of the statutes is amended to read:

440.08 (1) NOTICE OF RENEWAL. The department shall mail a notice of renewal to the last address provided to the department by each holder of a credential at least 30 days prior to the renewal date of the credential. Notice may be mailed to the last address provided to the department by the credential holder or may be given by electronic transmission. Failure to receive a notice of renewal is not a defense in any disciplinary proceeding against the holder or in any proceeding against the holder for practicing without a credential. Failure to receive a notice of renewal does not relieve the holder from the obligation to pay a penalty for late renewal under sub. (3).

SECTION 3508. 440.08 (2) (a) (intro.) of the statutes is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.26 (3), 440.51, 442.04, 442.06, 444.03, 444.05, 444.11, 448.065, 447.04 (2) (c) 2., 449.17, 449.18 and 459.46, the renewal dates and renewal fees for credentials are as follows:

SECTION 3509. 440.08 (2) (a) 1. of the statutes is amended to read:

440.08 (2) (a) 1. Accountant, certified public: January 1 of each even-numbered year; $52.

SECTION 3510. 440.08 (2) (a) 2. of the statutes is amended to read:

440.08 (2) (a) 2. Accountant, public: January 1 of each even-numbered year; $44.

SECTION 3511. 440.08 (2) (a) 3. of the statutes is amended to read:

440.08 (2) (a) 3. Accounting corporation or partnership: January 1 of each even-numbered year; $47.
SECTION 3512. 440.08 (2) (a) 4. of the statutes is amended to read:
440.08 (2) (a) 4. Acupuncturist: July 1 of each odd-numbered year; $78 $70.

SECTION 3513. 440.08 (2) (a) 4m. of the statutes is amended to read:
440.08 (2) (a) 4m. Advanced practice nurse prescriber: October 1 of each even-numbered year; $69 $73.

SECTION 3514. 440.08 (2) (a) 5. of the statutes is amended to read:
440.08 (2) (a) 5. Aesthetician: July 1 of each odd-numbered year; $58 $87.

SECTION 3515. 440.08 (2) (a) 6. of the statutes is amended to read:
440.08 (2) (a) 6. Aesthetics establishment: July 1 of each odd-numbered year; $47 $70.

SECTION 3516. 440.08 (2) (a) 7. of the statutes is amended to read:
440.08 (2) (a) 7. Aesthetics instructor: July 1 of each odd-numbered year; $47 $70.

SECTION 3517. 440.08 (2) (a) 9. of the statutes is amended to read:
440.08 (2) (a) 9. Aesthetics specialty school: July 1 of each odd-numbered year; $44 $53.

SECTION 3518. 440.08 (2) (a) 11. of the statutes is amended to read:
440.08 (2) (a) 11. Appraiser, real estate, certified general: January 1 of each even-numbered year; $108 $162.

SECTION 3519. 440.08 (2) (a) 11m. of the statutes is amended to read:
440.08 (2) (a) 11m. Appraiser, real estate, certified residential: January 1 of each even-numbered year; $114 $167.

SECTION 3520. 440.08 (2) (a) 12. of the statutes is amended to read:
440.08 (2) (a) 12. Appraiser, real estate, licensed: January 1 of each even-numbered year; $134 $185.
SECTION 3521. 440.08 (2) (a) 13. of the statutes is amended to read:

440.08 (2) (a) 13. Architect: August 1 of each even-numbered year; $49 $60.

SECTION 3522. 440.08 (2) (a) 14. of the statutes is amended to read:

440.08 (2) (a) 14. Architectural or engineering firm, partnership or corporation:

February 1 of each even-numbered year; $47 $70.

SECTION 3523. 440.08 (2) (a) 14f. of the statutes is amended to read:

440.08 (2) (a) 14f. Athletic trainer: July 1 of each even-numbered year; $44 $53.

SECTION 3524. 440.08 (2) (a) 14g. of the statutes is amended to read:

440.08 (2) (a) 14g. Auction company: January 1 of each odd-numbered year;

$47 $56.

SECTION 3525. 440.08 (2) (a) 14r. of the statutes is amended to read:

440.08 (2) (a) 14r. Auctioneer: January 1 of each odd-numbered year; $135 $174.

SECTION 3526. 440.08 (2) (a) 15. of the statutes is amended to read:

440.08 (2) (a) 15. Audiologist: February 1 of each odd-numbered year; $100 $106.

SECTION 3527. 440.08 (2) (a) 16. of the statutes is amended to read:

440.08 (2) (a) 16. Barbering or cosmetology establishment: July 1 of each odd-numbered year; $47 $56.

SECTION 3528. 440.08 (2) (a) 18. of the statutes is amended to read:

440.08 (2) (a) 18. Barbering or cosmetology manager: July 1 of each odd-numbered year; $68 $71.

SECTION 3529. 440.08 (2) (a) 20. of the statutes is amended to read:
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440.08 (2) (a) 20. Barber or cosmetologist: July 1 of each odd-numbered year; $55 $63.

SECTION 3530. 440.08 (2) (a) 24. of the statutes is amended to read:

440.08 (2) (a) 24. Chiropractor: January 1 of each odd-numbered year; $139 $168.

SECTION 3531. 440.08 (2) (a) 25. of the statutes is amended to read:

440.08 (2) (a) 25. Dental hygienist: October 1 of each odd-numbered year; $48 $57.

SECTION 3532. 440.08 (2) (a) 26. of the statutes is amended to read:

440.08 (2) (a) 26. Dentist: October 1 of each odd-numbered year; $105 $131.

SECTION 3533. 440.08 (2) (a) 27. of the statutes is amended to read:

440.08 (2) (a) 27. Designer of engineering systems: February 1 of each even-numbered year; $52 $58.

SECTION 3534. 440.08 (2) (a) 27m. of the statutes is amended to read:

440.08 (2) (a) 27m. Dietitian: November 1 of each even-numbered year; $47 $56.

SECTION 3535. 440.08 (2) (a) 28. of the statutes is amended to read:

440.08 (2) (a) 28. Drug distributor: June 1 of each even-numbered year; $47 $70.

SECTION 3536. 440.08 (2) (a) 29. of the statutes is amended to read:

440.08 (2) (a) 29. Drug manufacturer: June 1 of each even-numbered year; $47 $70.

SECTION 3537. 440.08 (2) (a) 30. of the statutes is amended to read:

440.08 (2) (a) 30. Electrologist: July 1 of each odd-numbered year; $65 $76.

SECTION 3538. 440.08 (2) (a) 31. of the statutes is amended to read:
440.08 (2) (a) 31. Electrology establishment: July 1 of each odd-numbered year; $47 $56.

SECTION 3539. 440.08 (2) (a) 34. of the statutes is amended to read:

440.08 (2) (a) 34. Electrology specialty school: July 1 of each odd-numbered year; $44 $53.

SECTION 3540. 440.08 (2) (a) 35. of the statutes is amended to read:

440.08 (2) (a) 35. Engineer, professional: August 1 of each even-numbered year; $49 $58.

SECTION 3541. 440.08 (2) (a) 35m. of the statutes is amended to read:

440.08 (2) (a) 35m. Fund-raising counsel: September 1 of each even-numbered year; $44 $53.

SECTION 3542. 440.08 (2) (a) 36. of the statutes is amended to read:

440.08 (2) (a) 36. Funeral director: January 1 of each even-numbered year; $140 $135.

SECTION 3543. 440.08 (2) (a) 37. of the statutes is amended to read:

440.08 (2) (a) 37. Funeral establishment: June 1 of each odd-numbered year; $47 $56.

SECTION 3544. 440.08 (2) (a) 38. of the statutes is amended to read:

440.08 (2) (a) 38. Hearing instrument specialist: February 1 of each odd-numbered year; $100 $106.

SECTION 3545. 440.08 (2) (a) 38g. of the statutes is amended to read:

440.08 (2) (a) 38g. Home inspector: January 1 of each odd-numbered year; $44 $53.

SECTION 3546. 440.08 (2) (a) 38m. of the statutes is amended to read:
440.08 (2) (a) 38m. Landscape architect: August 1 of each even-numbered year; $51 $56.

Section 3547. 440.08 (2) (a) 39. of the statutes is amended to read:
440.08 (2) (a) 39. Land surveyor: February 1 of each even-numbered year; $75 $77.

Section 3548. 440.08 (2) (a) 42. of the statutes is amended to read:
440.08 (2) (a) 42. Manicuring establishment: July 1 of each odd-numbered year; $44 $53.

Section 3549. 440.08 (2) (a) 43. of the statutes is amended to read:
440.08 (2) (a) 43. Manicuring instructor: July 1 of each odd-numbered year; $44 $53.

Section 3550. 440.08 (2) (a) 45. of the statutes is amended to read:
440.08 (2) (a) 45. Manicuring specialty school: July 1 of each odd-numbered year; $44 $53.

Section 3551. 440.08 (2) (a) 46. of the statutes is amended to read:
440.08 (2) (a) 46. Manicurist: July 1 of each odd-numbered year; $131 $133.

Section 3552. 440.08 (2) (a) 46m. of the statutes is amended to read:
440.08 (2) (a) 46m. Marriage and family therapist: July 1 of each odd-numbered year; $82 $84.

Section 3553. 440.08 (2) (a) 48. of the statutes is amended to read:
440.08 (2) (a) 48. Nurse, licensed practical: May 1 of each odd-numbered year; $54 $69.

Section 3554. 440.08 (2) (a) 49. of the statutes is amended to read:
440.08 (2) (a) 49. Nurse, registered: March 1 of each even-numbered year; $52 $66.
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SECTION 3555. 440.08 (2) (a) 50. of the statutes is amended to read:

440.08 (2) (a) 50. Nurse-midwife: March 1 of each even-numbered year; $47

SECTION 3556. 440.08 (2) (a) 51. of the statutes is amended to read:

440.08 (2) (a) 51. Nursing home administrator: July 1 of each even-numbered year; $111 $120.

SECTION 3557. 440.08 (2) (a) 52. of the statutes is amended to read:

440.08 (2) (a) 52. Occupational therapist: November 1 of each odd-numbered year; $49 $59.

SECTION 3558. 440.08 (2) (a) 53. of the statutes is amended to read:

440.08 (2) (a) 53. Occupational therapy assistant: November 1 of each odd-numbered year; $48 $62.

SECTION 3559. 440.08 (2) (a) 54. of the statutes is amended to read:

440.08 (2) (a) 54. Optometrist: January 1 of each even-numbered year; $61 $65.

SECTION 3560. 440.08 (2) (a) 55. of the statutes is amended to read:

440.08 (2) (a) 55. Pharmacist: June 1 of each even-numbered year; $73 $97.

SECTION 3561. 440.08 (2) (a) 56. of the statutes is amended to read:

440.08 (2) (a) 56. Pharmacy: June 1 of each even-numbered year; $47 $56.

SECTION 3562. 440.08 (2) (a) 57. of the statutes is amended to read:

440.08 (2) (a) 57. Physical therapist: November 1 of each odd-numbered year; $51 $62.

SECTION 3563. 440.08 (2) (a) 58. of the statutes is amended to read:

440.08 (2) (a) 58. Physician: November 1 of each odd-numbered year; $122 $106.
SECTION 3564. 440.08 (2) (a) 59. of the statutes is amended to read:
440.08 (2) (a) 59. Physician assistant: November 1 of each odd-numbered year; $59 $72.

SECTION 3565. 440.08 (2) (a) 60. of the statutes is amended to read:
440.08 (2) (a) 60. Podiatrist: November 1 of each odd-numbered year; $140 $150.

SECTION 3566. 440.08 (2) (a) 61. of the statutes is amended to read:
440.08 (2) (a) 61. Private detective: September 1 of each even-numbered year; $89 $101.

SECTION 3567. 440.08 (2) (a) 62. of the statutes is amended to read:
440.08 (2) (a) 62. Private detective agency: September 1 of each odd-numbered year; $47.

SECTION 3568. 440.08 (2) (a) 62. of the statutes, as affected by 2001 Wisconsin Act ..., (this act), is repealed and recreated to read:
440.08 (2) (a) 62. Private detective agency: September 1 of each odd-numbered year; $56.

SECTION 3569. 440.08 (2) (a) 63. of the statutes is amended to read:
440.08 (2) (a) 63. Private practice school psychologist: October 1 of each odd-numbered year; $69 $103.

SECTION 3570. 440.08 (2) (a) 63g. of the statutes is amended to read:
440.08 (2) (a) 63g. Private security person: September 1 of each even-numbered year; $49 $50.

SECTION 3571. 440.08 (2) (a) 63m. of the statutes is amended to read:
440.08 (2) (a) 63m. Professional counselor: July 1 of each odd-numbered year; $63 $76.
SECTION 3572. 440.08 (2) (a) 63t. of the statutes is amended to read:
440.08 (2) (a) 63t. Professional fund-raiser: September 1 of each even-numbered year; $91 $93.

SECTION 3573. 440.08 (2) (a) 63u. of the statutes is amended to read:
440.08 (2) (a) 63u. Professional geologist: August 1 of each even-numbered year; $48 $59.

SECTION 3574. 440.08 (2) (a) 63v. of the statutes is amended to read:
440.08 (2) (a) 63v. Professional geology, hydrology or soil science firm, partnership or corporation: August 1 of each even-numbered year; $44 $53.

SECTION 3575. 440.08 (2) (a) 63w. of the statutes is amended to read:
440.08 (2) (a) 63w. Professional hydrologist: August 1 of each even-numbered year; $44 $53.

SECTION 3576. 440.08 (2) (a) 63x. of the statutes is amended to read:
440.08 (2) (a) 63x. Professional soil scientist: August 1 of each even-numbered year; $44 $53.

SECTION 3577. 440.08 (2) (a) 64. of the statutes is amended to read:
440.08 (2) (a) 64. Psychologist: October 1 of each odd-numbered year; $105 $157.

SECTION 3578. 440.08 (2) (a) 65. of the statutes is amended to read:
440.08 (2) (a) 65. Real estate broker: January 1 of each odd-numbered year; $109 $128.

SECTION 3579. 440.08 (2) (a) 66. of the statutes is amended to read:
440.08 (2) (a) 66. Real estate business entity: January 1 of each odd-numbered year; $57 $56.

SECTION 3580. 440.08 (2) (a) 67. of the statutes is amended to read:
440.08 (2) (a) 67. Real estate salesperson: January 1 of each odd-numbered year; $79 $83.

Section 3581. 440.08 (2) (a) 67m. of the statutes is amended to read:

440.08 (2) (a) 67m. Registered interior designer: August 1 of each even-numbered year; $47 $56.

Section 3582. 440.08 (2) (a) 67q. of the statutes is amended to read:

440.08 (2) (a) 67q. Registered massage therapist or bodyworker: March 1 of each odd-numbered year; $44 $53.

Section 3583. 440.08 (2) (a) 67v. of the statutes is amended to read:

440.08 (2) (a) 67v. Registered music, art or dance therapist: October 1 of each odd-numbered year; $44 $53.

Section 3584. 440.08 (2) (a) 68. of the statutes is amended to read:

440.08 (2) (a) 68. Respiratory care practitioner: November 1 of each odd-numbered year; $50 $65.

Section 3585. 440.08 (2) (a) 68d. of the statutes is amended to read:

440.08 (2) (a) 68d. Social worker: July 1 of each odd-numbered year; $54 $63.

Section 3586. 440.08 (2) (a) 68h. of the statutes is amended to read:

440.08 (2) (a) 68h. Social worker, advanced practice: July 1 of each odd-numbered year; $53 $70.

Section 3587. 440.08 (2) (a) 68p. of the statutes is amended to read:

440.08 (2) (a) 68p. Social worker, independent: July 1 of each odd-numbered year; $55 $58.

Section 3588. 440.08 (2) (a) 68t. of the statutes is amended to read:

440.08 (2) (a) 68t. Social worker, independent clinical: July 1 of each odd-numbered year; $69 $73.
SECTION 3589. 440.08 (2) (a) 68v. of the statutes is amended to read:
440.08 (2) (a) 68v. Speech-language pathologist: February 1 of each odd-numbered year; $53 $63.

SECTION 3590. 440.08 (2) (a) 69. of the statutes is amended to read:
440.08 (2) (a) 69. Time-share salesperson: January 1 of each odd-numbered year; $103 $119.

SECTION 3591. 440.08 (2) (a) 70. of the statutes is amended to read:
440.08 (2) (a) 70. Veterinarian: January 1 of each even-numbered year; $95 $105.

SECTION 3592. 440.08 (2) (a) 71. of the statutes is amended to read:
440.08 (2) (a) 71. Veterinary technician: January 1 of each even-numbered year; $48 $58.

SECTION 3593. 440.26 (1) (a) 1. of the statutes is amended to read:
440.26 (1) (a) 1. Advertise, solicit or engage in the business of operating a private detective agency or private security agency.

SECTION 3594. 440.26 (2) (a) 3. of the statutes is created to read:
440.26 (2) (a) 3. Issue a private security agency license to an individual, partnership, limited liability company, or corporation that meets the qualifications specified under par. (c).

SECTION 3595. 440.26 (3) of the statutes is amended to read:
440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an application executed under sub. (2), and after any investigation that it considers necessary, the department shall, if it determines that the applicant is qualified, grant the proper license upon payment of the fee specified in s. 440.05 (1). No license shall be issued for a longer period than 2 years, and the license of a private detective shall
expire on the renewal date of the license of the private detective agency, even if the license of the private detective has not been in effect for a full 2 years. Renewals of the original licenses issued under this section shall be issued in accordance with renewal forms prescribed by the department and, except for renewals of private security agency licenses, shall be accompanied by the fees specified in s. 440.08. Private security agency licenses may be renewed upon payment of a $20 renewal fee.

The department may not renew a license unless the applicant provides evidence that the applicant has in force at the time of renewal the bond or liability policy specified in this section.

**SECTION 3596.** 440.26 (4) of the statutes is renumbered 440.26 (4) (a) (intro.) and amended to read:

440.26 (4) (a) (intro.) No license may be issued under this section until a bond or liability policy, approved by the department, in the amount of $100,000 if the applicant for the license is a private detective agency and includes all principals, partners, members or corporate officers, or in the amount of $2,000 if the applicant is a private detective, following amounts has been executed and filed with the department. Such bonds or:

(b) **Bonds and** liability policies **under par. (a)** shall be furnished by an insurer authorized to do a surety business in this state in a form approved by the department and, if the applicant is a private detective agency or private security agency, shall include all principals, partners, members, or corporate officers of the agency.

**SECTION 3597.** 440.26 (4) (a) 1., 2. and 3. of the statutes are created to read:

440.26 (4) (a) 1. If the applicant for the license is a private detective agency, $100,000.
2. An amount established by the department by rule, if the applicant for the license is a private security agency.

3. If the applicant is a private detective, $2,000.

SECTION 3598. 440.26 (5) (c) (intro.) of the statutes is amended to read:

440.26 (5) (c) (intro.) An employee of any agency that is licensed as a private detective agency or private security agency under this section and that is doing business in this state as a supplier of uniformed private security personnel to patrol exclusively on the private property of industrial plants, business establishments, schools, colleges, hospitals, sports stadiums, exhibits and similar activities is exempt from the license requirements of this section while engaged in such employment, if all of the following apply:

SECTION 3599. 440.26 (5) (c) 2. of the statutes is amended to read:

440.26 (5) (c) 2. The private detective agency or private security agency furnishes an up-to-date written record of its employees to the department. The record shall include the name, residence address, date of birth and a physical description of each employee together with a recent photograph and 2 fingerprint cards bearing a complete set of fingerprints of each employee.

SECTION 3600. 440.26 (5) (c) 3. of the statutes is amended to read:

440.26 (5) (c) 3. The private detective agency or private security agency notifies the department in writing within 5 days of any change in the information under subd. 2. regarding its employees, including the termination of employment of any person.

SECTION 3601. 440.26 (5m) (a) 3. of the statutes is amended to read:
440.26 (5m) (a) 3. The individual provides evidence satisfactory to the department that he or she is an employee of a private detective agency or private security agency described in sub. (5) (c).

**SECTION 3602.** 440.26 (5r) (a) 1. of the statutes is amended to read:

440.26 (5r) (a) 1. The individual has completed an application, paid the fees required under ss. 440.03 (13) and 440.05 (6), and provided information required under sub. (5m) (a).

**SECTION 3603.** 440.26 (5r) (a) 2. of the statutes is amended to read:

440.26 (5r) (a) 2. The department is not yet able does not have information sufficient to determine whether to grant or deny the individual's application because a background check of the individual is not complete.

**SECTION 3604.** 440.26 (5r) (c) 1. of the statutes is amended to read:

440.26 (5r) (c) 1. Except as provided in subd. 2., a temporary private security permit issued under par. (a) is valid for 30 60 days.

**SECTION 3605.** 440.26 (8) of the statutes is amended to read:

440.26 (8) PENALTIES. Any person, acting as a private detective, investigator or private security person, or who employs any person who solicits, advertises or performs services in this state as a private detective or private security person, or investigator or special investigator, without having procured the license or permit required by this section, may be fined not less than $100 nor more than $500 or imprisoned not less than 3 months nor more than 6 months or both. Any private detective agency or private security agency having an employee, owner, officer or agent convicted of the above offense may have its agency license revoked or suspended by the department. Any person convicted of the above offense shall be ineligible for a license for one year.
SECTION 3606. 445.06 of the statutes is amended to read:

445.06 Renewal of licenses. The renewal date and renewal fee for a funeral directors' director's license are specified under s. 440.08 (2) (a). Before any renewal license is delivered to any licensed funeral director, proof must be furnished by the applicant, to the satisfaction of the examining board, that the applicant is doing business at a recognized funeral establishment, except that if such applicant is not doing business at a recognized funeral establishment at the time of application for a license, the applicant shall be given a certificate, without additional cost, to the effect that the applicant is in good standing as a funeral director, and shall be entitled to a renewal license at any time during that license period, when located at a recognized funeral establishment, without payment of any additional renewal fee. The An applicant for renewal of a funeral director's license must also furnish proof of completion of at least 15 hours of continuing education during the previous 2-year licensure period immediately preceding the date of the application for renewal, except that new licensees are exempt from this requirement during the time between initial licensure and commencement of a full 2-year licensure period.

SECTION 3607. 445.125 (1) (a) 2. of the statutes is amended to read:

445.125 (1) (a) 2. Notwithstanding s. 701.12 (1), such agreements may be made irrevocable as to the first $2,500 $3,300 of the funds paid under the agreement by each depositor.

SECTION 3608. 445.13 (1m) (d) of the statutes is amended to read:

445.13 (1m) (d) Mail or transmit electronically a report of final disposition required under s. 69.18 (3) (a) before effecting a final disposition, as defined in s. 69.01 (11).

SECTION 3609. 551.31 (4m) (c) of the statutes is amended to read:
551.31 (4m) (c) The federal covered adviser has complied with the notice filing and fee payment provisions under s. 551.32 (1m).

SECTION 3610. 551.32 (1) (a) of the statutes is amended to read:

551.32 (1) (a) A broker-dealer, agent, investment adviser, or investment adviser representative may obtain an initial or renewal license by filing with the division, or with an organization which the division by rule designates, an application together with and a consent to service of process under s. 551.65 (1), by paying the fee prescribed under s. 551.52 (2), and, if the filing is made with an organization designated by the division, by paying any reasonable fee charged by the organization for processing the filing. If the filing is made with an organization designated by the division, the broker-dealer, agent, investment adviser, or investment adviser representative may transmit the fee prescribed under s. 551.52 (2) to the division through the organization.

SECTION 3611. 551.32 (1m) (a) of the statutes is amended to read:

551.32 (1m) (a) If required under s. 551.31 (4m), a federal covered adviser shall file with the division or with an organization which the division by rule designates, any notice filing together with required under s. 551.31 (4m) and shall pay the fee prescribed under s. 551.52 (2) and, if the notice filing is made with an organization designated by the division, any reasonable fee charged by the organization for processing the notice filing. The notice filing shall consist either of a notice filing form prescribed by the division by rule or a copy of those documents that have been filed with the federal securities and exchange commission as the division, by rule or order, may require. If the notice filing is made with an organization designated by the division, the federal covered adviser may transmit the fee prescribed under s. 551.52 (2) to the division through the organization.
SECTION 3612. 551.32 (1m) (b) of the statutes is amended to read:

551.32 (1m) (b) An initial notice filing is effective upon receipt by the division, or by an organization designated by the division under par. (a), of the documents and fees required in par. (a). A renewal notice filing is effective upon the expiration under sub. (8) (a) of the prior notice filing, or upon receipt by the division, or by an organization designated by the division under par. (a), of the documents and fees required under par. (a), whichever is later.

SECTION 3613. 551.32 (9) (b) of the statutes is amended to read:

551.32 (9) (b) Termination of a notice filing under s. 551.32 sub. (1m) is effective upon receipt by the division, or by an organization designated by the division under sub. (1m) (a), of written notification of termination.

SECTION 3614. 551.33 (3) of the statutes is amended to read:

551.33 (3) If the information contained in any application for a license or other document filed with the division or an organization designated under s. 551.32 (1) (a) or (1m) (a) is or becomes inaccurate or incomplete in any material respect, the licensee person filing the application or document shall promptly file a correcting amendment, except that a federal covered adviser shall file a correcting amendment when it is required to be filed with the securities and exchange commission, unless notification of the correction has been given under s. 551.32 (9) (a).

SECTION 3615. 551.51 (2) of the statutes is amended to read:

551.51 (2) It is unlawful for the division or any officers or employees of the division to use for personal benefit any information which is filed with or obtained by the division or an organization designated under s. 551.32 (1) (a) or (1m) (a) and which is not generally available to the public. Nothing in this chapter authorizes the division or any officers or employees of the division to disclose any confidential
information except among themselves or to other securities administrators or regulatory authorities or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the division or any officers or employees of the division.

**SECTION 3616.** 551.52 (4) of the statutes is amended to read:

> 551.52 (4) The division may by rule require the payment of prescribed fees for delinquent or materially deficient filings of information or documents required under this chapter to be filed with the division or an organization designated under s. 551.32 (1) (a) or (1m) (a).

**SECTION 3617.** 551.54 of the statutes is amended to read:

> **551.54 Misleading filings.** It is unlawful for any person to make or cause to be made, in any document filed with the division, or filed under s. 551.32 (1) (a) or (1m) (a) with an organization designated by the division, or in any proceeding under this chapter, any statement which is, at the time and in the light of the circumstances under which it is made, false or misleading in any material respect or, in connection with such statement, to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.

**SECTION 3618.** 551.64 (1) of the statutes is amended to read:

> 551.64 (1) A document is filed when it is received by the division or, if authorized under s. 551.32 (1) (a) or (1m) (a), an organization designated by the division.

**SECTION 3619.** 551.65 (1) of the statutes is amended to read:
551.65 (1) Every applicant for license or registration under this chapter, every person filing a notice filing under this chapter, and every issuer that proposes to offer a security in this state through any person acting as agent shall file with the division, or, if applying for a license, with any organization designated by the division under s. 551.32 (1) (a) or (1m) (a) to receive the applicable notice filing or application, an irrevocable consent appointing the division to be his or her attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against him or her or a successor, executor, or administrator that arises under this chapter or any rule or order under this chapter after the consent has been filed, with the same validity as if served personally on the person filing the consent. The consent shall be in the form the division by rule prescribes. The consent need not be filed by a person who has filed a consent in connection with a previous registration or notice filing or license that is then in effect. Service may be made by leaving a copy of the process at the office of the division, but it is not effective unless the plaintiff, who may be the division in a suit, action, or proceeding instituted by the division, promptly sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at the person’s last address on file with the division, and the plaintiff’s affidavit of compliance with this subsection is filed in the case on or before the return day of the process, or within such time as the court allows.

Section 3620. 560.07 (3) (a) of the statutes is amended to read:

560.07 (3) (a) Serve as the state’s official liaison agency between persons interested in locating new economic enterprises in Wisconsin, and state and local groups seeking new enterprises. In this respect the department shall aid communities in organizing for and obtaining new business or expanding existing business and shall respond to requests which reflect interest in locating economic
enterprises in the state. When the secretary considers it appropriate, the department shall refer requests for economic development assistance to Forward Wisconsin, Inc., and shall attempt to prevent duplication of efforts between the department and Forward Wisconsin, Inc.

Section 3621. 560.07 (3) (b) of the statutes is amended to read:

560.07 (3) (b) Contract with Forward Wisconsin, Inc., if the secretary determines it appropriate, to pay Forward Wisconsin, Inc., an amount not to exceed the amount appropriated under s. 20.143 (1) (bm), and (kn) to establish and implement a nationwide business development promotion campaign to attract persons interested in locating new enterprises in this state and to encourage the retention and expansion of businesses and jobs in this state. Funds may be expended to carry out the contract only as provided in s. 16.501.

Section 3622. 560.07 (3) (c) of the statutes is amended to read:

560.07 (3) (c) Whenever appropriate, submit to the secretary of administration a report setting forth the amount of private contributions received by Forward Wisconsin, Inc., since the time the department last submitted such a report.

Section 3623. 560.07 (9) of the statutes is amended to read:

560.07 (9) On or before July 1, 1985, and every July 1 thereafter, submit to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), a report stating the net jobs gain due to the funds provided Forward Wisconsin, Inc., under s. 20.143 (1) (bm) and (kn).

Section 3624. 560.125 of the statutes is created to read:

560.125 Green tier and environmental management system grant program. (1) The department shall make grants from the appropriation under s. 20.143 (3) (z) to nongovernmental organizations to help those organizations develop
the ability to participate as interested persons in the green tier program under s. 299.83. The department shall allocate at least $150,000 in the 2001–03 fiscal biennium for grants under this subsection.

(2) The department shall make grants from the appropriation under s. 20.143 (3) (z) to assist persons to develop environmental management systems, as defined in s. 299.83 (1) (b).

**SECTION 3625.** 560.13 (1) (b) of the statutes is amended to read:

> 560.13 (1) (b) “Brownfields redevelopment” means any work or undertaking by a person, municipality or local development corporation to acquire a brownfields facility or site and to raze, demolish, remove, reconstruct, renovate, or rehabilitate the facility or existing buildings, structures, or other improvements at the site for the purpose of promoting the use of the facility or site for commercial, industrial, or other purposes. “Brownfields redevelopment” does not include construction of new facilities on the site for any purpose other than environmental remediation activities.

**SECTION 3626.** 560.13 (1) (e) of the statutes is repealed.

**SECTION 3627.** 560.13 (1) (f) of the statutes is repealed.

**SECTION 3628.** 560.13 (1) (g) of the statutes is amended to read:

> 560.13 (1) (g) “Person” means an individual, partnership, limited liability company, corporation or limited liability company, nonprofit organization, city, village, town, county, or trustee, including a trustee in bankruptcy.

**SECTION 3629.** 560.13 (2) (a) (intro.) of the statutes is amended to read:

> 560.13 (2) (a) (intro.) Subject to subs. (4) and (5), from the appropriations under s. 20.143 (1) (br) and (qm) the department may make a grant to a person, municipality or local development corporation if all of the following apply:
SECTION 3630. 560.13 (2) (a) 1m. of the statutes is created to read:

560.13 (2) (a) 1m. The recipient does not use the grant proceeds to pay lien claims of the department of natural resources or the federal environmental protection agency based on investigation or remediation activities of the department of natural resources or the federal environmental protection agency or to pay delinquent real estate taxes or interest or penalties that relate to those taxes.

SECTION 3631. 560.13 (4) (a) of the statutes is repealed.

SECTION 3632. 560.13 (4) (am) of the statutes is repealed.

SECTION 3633. 560.135 (1) (d) of the statutes is amended to read:

560.135 (1) (d) “Community-based organization” has the meaning given in s. 560.14 (1) (c) means an organization that is involved in economic development and that helps businesses that are likely to employ persons.

SECTION 3634. 560.137 (1) (c) of the statutes is amended to read:

560.137 (1) (c) “Qualified business” means an existing or start-up business, including a Native American business, that is located in this state.

SECTION 3635. 560.138 (1) (a) of the statutes is renumbered 560.138 (1) (an).

SECTION 3636. 560.138 (1) (ac) of the statutes is created to read:

560.138 (1) (ac) “Brownfields” has the meaning given in s. 560.13 (1) (a).

SECTION 3637. 560.138 (1) (b) of the statutes is amended to read:

560.138 (1) (b) “Qualified business” means an existing or start-up business, including a Native American business, that is located in or expanding into this state.

SECTION 3638. 560.138 (1) (c) of the statutes is created to read:

560.138 (1) (c) “Remediating brownfields” means abating, removing, or containing environmental pollution at a brownfields facility or site, or restoring soil or groundwater at a brownfields facility or site.
Section 3639. 560.138 (2) (a) of the statutes is renumbered 560.138 (2) (a) (intro.) and amended to read:

560.138 (2) (a) (intro.) Subject to subs. (3) and (4), from the appropriations under s. 20.143 (1) (id) (ig) and (km) (kj), the department may make a grant or loan to a qualified business for a project for the purpose of diversifying any of the following purposes:

1. Diversifying the economy of a community.

Section 3640. 560.138 (2) (a) 2. of the statutes is created to read:

560.138 (2) (a) 2. Remediating brownfields.

Section 3641. 560.138 (2) (b) 4. of the statutes is created to read:

560.138 (2) (b) 4. Whether a project will take place in a rural community, as determined by the department.

Section 3642. 560.138 (5) of the statutes is amended to read:

560.138 (5) The department shall deposit into the appropriation account under s. 20.143 (1) (id) (ig) all moneys received in repayment of loans made under this section.

Section 3643. 560.139 (1) (a) of the statutes is renumbered 560.139 (1) (a) 1. and amended to read:

560.139 (1) (a) 1. Subject to par. (b) subd. 2., from the appropriation under s. 20.143 (1) (kj) or (km), or from both appropriations, the department shall make grants to the city of Milwaukee to fund a program to be administered by the Milwaukee Economic Development Corporation. Under the program, the Milwaukee Economic Development Corporation shall provide grants to persons for remediation and economic redevelopment projects in the Menomonee valley. A person may not receive
a grant unless the person provides matching funds for at least 50% of the cost of the project.

SECTION 3644. 560.139 (1) (b) of the statutes is renumbered 560.139 (1) (a) 2. and amended to read:

560.139 (1) (a) 2. The department may not expend more than $900,000 in grants to the city of Milwaukee under this subsection paragraph.

SECTION 3645. 560.139 (1) (c) of the statutes is created to read:

560.139 (1) (c) 1. Subject to subd. 3., from the appropriation under s. 20.143 (1) (qm), the department shall make grants to the Milwaukee Economic Development Corporation for the grant program administered by the Milwaukee Economic Development Corporation under par. (a) and shall make grants to the Menomonee Valley Partners, Inc.

2. The proceeds of the grants under subd. 1. must be used to support the creation of jobs and private sector implementation of the Menomonee valley land use plan. A person may not receive a grant under the program administered by the Milwaukee Economic Development Corporation or from the Menomonee Valley Partners, Inc., unless the person provides matching funds at least equal to the amount of the grant.

3. The department may not pay grant proceeds under subd. 1. after June 30, 2003.

SECTION 3646. 560.139 (2) (a) of the statutes is amended to read:

560.139 (2) (a) From the appropriation under s. 20.143 (1) (kj) or (km) or from both appropriations, the department shall make grants to the Northwest Regional Planning Commission to match federal or private funds for the purpose of establishing a community-based venture fund. Subject to par. (b), the department
shall provide grants in an amount that equals 50% of the total amount that the Northwest Regional Planning Commission receives in the year from federal or private sources for the community-based venture fund.

SECTION 3647. 560.14 of the statutes is repealed.

SECTION 3648. 560.143 of the statutes is created to read:

560.143 New economy for Wisconsin program. (1) Definitions. In this section:

(a) “Community-based business incubator” means a person involved in local economic development who operates a facility that is designed to encourage the growth of new businesses by providing office or laboratory space and services.

(b) “Small business” means a business that has fewer than 100 full-time employees.

(2) Grants; eligibility. From the appropriation under s. 20.143 (1) (fg), the department may make a grant not exceeding $100,000 to any of the following:

(a) A community-based business incubator that focuses on providing services to high-technology businesses, or on promoting entrepreneurship, and for which at least 2 of the following apply:

1. Space in the facility is rented at a rate lower than the market rate in the community.

2. Shared business services are provided in the facility.

3. Management and technical assistance are available at the facility.

4. Businesses using the facility may obtain financial capital through a direct relationship with at least one financial institution.
(b) A nonprofit organization that focuses on providing services to high-technology businesses, or on promoting entrepreneurship, or that provides services or opportunities linking entrepreneurs with potential investors.

(3) Use of Proceeds. A community-based business incubator or a nonprofit organization that receives a grant under this section may use the grant proceeds only for a project that does any of the following:

(a) Assists small businesses in adopting new technologies in their operations.

(b) Assists technology-based small businesses in activities that further the transfer of technology.

(c) Assists entrepreneurs in discovering business opportunities.

(4) Bases for Grant Awards. In awarding grants under this section, the department shall consider all of the following:

(a) The quality of the applicant’s proposal.

(b) The applicant’s commitment to the project.

(c) The project’s potential for economic growth.

(d) The past performance of the applicant and of any proposed partners.

(e) The qualifications of the individuals who will work on the project.

(f) The need for the project by the applicant’s clients.

(g) The strength of the applicant’s collaboration or partnerships with other organizations.

(h) The project’s use of available resources from Wisconsin educational institutions.

(i) The project’s ability to produce sustainable and continuing benefits after the project is completed.

(j) The economic distress of the area served by the project.
(k) The readiness of the applicant to implement the project.

(5) DEPARTMENT RESPONSIBILITIES. The department shall do all of the following:

(a) Develop an application to be used for grants under this section and furnish the application to prospective applicants upon request.

(b) Promulgate rules for administering the grants under this section.

(c) Enter into a written agreement with a recipient of a grant under this section that requires the recipient to submit to the department, within 6 months after spending the full amount of the grant proceeds, a report detailing how the grant proceeds were used.

SECTION 3649. 560.155 (1) (intro.) of the statutes is amended to read:

560.155 (1) (intro.) Subject to sub. (2), from the appropriation under s. 20.143 (1) (kp) the department may award a grant to a business if all of the following apply:

SECTION 3650. 560.165 (title) of the statutes is amended to read:

560.165 (title) Division of international and export development International services; fees and assessments.

SECTION 3651. 560.165 of the statutes is renumbered 560.165 (1) and amended to read:

560.165 (1) The division of international and export development may charge fees for services it provides to cover the costs incurred by the division in providing the services. The division shall deposit all fees credit all moneys collected under this section in subsection to the appropriation account under s. 20.143 (1) (g).

SECTION 3652. 560.165 (2) of the statutes is created to read:

560.165 (2) The department may assess any state agency any amount that the department determines is required for the services of its international liaison. For this purpose, the department may assess state agencies on a premium basis and pay
costs incurred on an actual basis. The department shall credit all moneys received
from state agencies under this subsection to the appropriation account under s.
20.143 (1) (k).

SECTION 3653. 560.167 (1) (a) of the statutes is amended to read:
560.167 (1) (a) “Eligible business” means a business operating in this state that
manufactures a product or performs a service, or both, with a potential to be exported
and that, together with all of its affiliates and subsidiaries and its parent company,
had gross annual sales of $25,000,000 or less in the calendar year preceding the year
in which it applies for a reimbursement under this section.

SECTION 3654. 560.167 (1) (d) of the statutes is created to read:
560.167 (1) (d) “United States trade show” means a trade event held in the
United States that brings prospective foreign buyers to a central location and that
is certified or coordinated by the U.S. department of commerce or the department.

SECTION 3655. 560.167 (2) (intro.) of the statutes is amended to read:
560.167 (2) (intro.) Subject to sub. subs. (2m) and (5), the department may
make reimbursements totaling no more than $100,000 in a fiscal year from the
appropriations under s. 20.143 (1) (c) and (ie) to eligible businesses for any of the
following:

SECTION 3656. 560.167 (2) (a) of the statutes is amended to read:
560.167 (2) (a) Fees for participation in a trade show, U.S. trade show, or
matchmaker trade delegation event.

SECTION 3657. 560.167 (2) (b) of the statutes is amended to read:
560.167 (2) (b) Costs associated with shipping displays, sample products,
catalogs, or advertising material to a trade show, U.S. trade show, or matchmaker
trade delegation event.
SECTION 3658. 560.167 (2) (c) of the statutes is amended to read:

560.167 (2) (c) Costs incurred at a trade show, U.S. trade show, or matchmaker trade delegation event for utilities, booth construction, or necessary modifications or repairs.

SECTION 3659. 560.167 (2) (d) of the statutes is amended to read:

560.167 (2) (d) Costs associated with foreign language translation of brochures or product information or with the use of translation services at a trade show, U.S. trade show, or matchmaker trade delegation event.

SECTION 3660. 560.167 (2m) of the statutes is created to read:

560.167 (2m) The department may reimburse the fees and costs under sub. (2) that are related to participation in a U.S. trade show only if the eligible business seeking reimbursement for its participation has developed a high-technology product with worldwide application.

SECTION 3661. 560.167 (5) (b) of the statutes is amended to read:

560.167 (5) (b) Reimburse an eligible business more than $5,000 for participation in a trade show, U.S. trade show, or matchmaker trade delegation event.

SECTION 3662. 560.167 (5) (c) of the statutes is amended to read:

560.167 (5) (c) Reimburse an eligible business for participating more than one time in the same trade show, U.S. trade show, or matchmaker trade delegation event held at different times or in different locations.

SECTION 3663. 560.167 (6) of the statutes is amended to read:

560.167 (6) An eligible business that is approved for a reimbursement under sub. (4) shall provide to the department, within 90 days after the trade show, U.S.
trade show, or matchmaker trade delegation event for which the reimbursement is sought, documentation detailing the costs for which the reimbursement is sought.

**SECTION 3664.** 560.17 (7) (e) of the statutes is created to read:

560.17 (7) (e) If the board awards, and the department makes, a grant under sub. (3) or (5c), the department may contract directly with and pay grant proceeds directly to any person providing technical or management assistance to the grant recipient.

**SECTION 3665.** 560.175 (7) of the statutes is created to read:

560.175 (7) If the department awards a grant under this section, the department may contract directly with and pay grant proceeds directly to any person providing technical or management assistance to the grant recipient.

**SECTION 3666.** 560.181 of the statutes is created to read:

560.181 **Forest product marketing.** From the appropriation under s. 20.143 (1) (qn), the department may promote, advertise, publicize, and otherwise market products made in the state of timber produced in the state.

**SECTION 3667.** 560.183 (title) of the statutes is amended to read:

560.183 **(title) Physician and dentist loan assistance program.**

**SECTION 3668.** 560.183 (1) (ad) of the statutes is created to read:

560.183 (1) (ad) “Dental health shortage area” means an area that is designated by the federal department of health and human services under 42 CFR part 5, appendix B, as having a shortage of dental professionals.

**SECTION 3669.** 560.183 (1) (ae) of the statutes is created to read:

560.183 (1) (ae) “Dentist” means a dentist, as defined in s. 447.01 (7), who is licensed under ch. 447 and who practices general or pediatric dentistry.

**SECTION 3670.** 560.183 (2) (a) of the statutes is amended to read:
560.183 (2) (a) The department may repay, on behalf of a physician or dentist, up to $50,000 in educational loans obtained by the physician or dentist from a public or private lending institution for education in an accredited school of medicine or dentistry or for postgraduate medical or dental training.

**SECTION 3671.** 560.183 (2) (b) of the statutes is amended to read:

560.183 (2) (b) A physician or dentist who is a participant in the national health service corps scholarship program under 42 USC 254n, or a physician or dentist who was a participant in that program and who failed to carry out his or her obligations under that program, is not eligible for loan repayment under this section.

**SECTION 3672.** 560.183 (3) (a) of the statutes is amended to read:

560.183 (3) (a) The department shall enter into a written agreement with the physician. In the agreement, the physician shall agree, in which the physician agrees to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state, except that a physician specializing in psychiatry may only agree to practice psychiatry in a mental health shortage area and a physician in the expanded loan assistance program under sub. (9) may only agree to practice at a public or private nonprofit entity in a health professional shortage area. The physician shall also agree to care for patients who are insured or for whom health benefits are payable under medicare, medical assistance, or any other governmental program.

**SECTION 3673.** 560.183 (3) (am) of the statutes is created to read:

560.183 (3) (am) The department shall enter into a written agreement with the dentist, in which the dentist agrees to practice at least 32 clinic hours per week for 3 years in one or more dental health shortage areas in this state. The dentist shall
also agree to care for patients who are insured or for whom dental health benefits are payable under medicare, medical assistance, or any other governmental program.

**SECTION 3673.** 560.183 (5) (b) 1. of the statutes is amended to read:

560.183 (5) (b) 1. The degree to which there is an extremely high need for medical care in the eligible practice area or health professional shortage area in which the physician desires to practice and the degree to which there is an extremely high need for dental care in the dental health shortage area in which a dentist desires to practice.

**SECTION 3674.** 560.183 (5) (b) 2. of the statutes is amended to read:

560.183 (5) (b) 2. The likelihood that a physician will remain in the eligible practice area or health professional shortage area, and that a dentist will remain in the dental health shortage area, in which he or she desires to practice after the loan repayment period.

**SECTION 3675.** 560.183 (5) (b) 3. of the statutes is amended to read:

560.183 (5) (b) 3. The per capita income of the eligible practice area or health professional shortage area in which a physician desires to practice and of the dental health shortage area in which a dentist desires to practice.

**SECTION 3676.** 560.183 (5) (b) 4. of the statutes is amended to read:

560.183 (5) (b) 4. The financial or other support for physician recruitment and retention provided by individuals, organizations, or local governments in the eligible practice area or health professional shortage area in which a physician desires to practice and for dentist recruitment and retention provided by individuals, organizations, or local governments in the dental health shortage area in which a dentist desires to practice.

**SECTION 3677.** 560.183 (5) (b) 5. of the statutes is amended to read:
560.183 (5) (b) 5. The geographic distribution of the physicians and dentists who have entered into loan repayment agreements under this section and the geographic distribution of the eligible practice areas or health professional shortage areas, and dental health shortage areas in which the eligible applicants desire to practice.

SECTION 3679. 560.183 (5) (d) of the statutes is amended to read:

560.183 (5) (d) An agreement under sub. (3) does not create a right of action against the state on the part of the physician, dentist, or the lending institution for failure to make the payments specified in the agreement.

SECTION 3680. 560.183 (6m) (a) (intro.) of the statutes is amended to read:

560.183 (6m) (a) (intro.) The department shall, by rule, establish penalties to be assessed by the department against physicians and dentists who breach an agreement entered into under sub. (3) (a). The rules shall do all of the following:

SECTION 3681. 560.183 (8) (b) of the statutes is amended to read:

560.183 (8) (b) Advise the department and rural health development council on the identification of eligible practice areas with an extremely high need for medical care and dental health shortage areas with an extremely high need for dental care.

SECTION 3682. 560.183 (8) (d) of the statutes is amended to read:

560.183 (8) (d) Assist the department to publicize the program under this section to physicians, dentists, and eligible communities.

SECTION 3683. 560.183 (8) (e) of the statutes is amended to read:

560.183 (8) (e) Assist physicians and dentists who are interested in applying for the program under this section.
SECTION 3684. 560.183 (8) (f) of the statutes is amended to read:

560.183 (8) (f) Assist communities in obtaining physicians’ and dentists’ services through the program under this section.

SECTION 3685. 560.183 (9) (intro.) of the statutes is amended to read:

560.183 (9) EXPANDED LOAN ASSISTANCE PROGRAM. (intro.) The department may agree to repay loans as provided under this section on behalf of a physician or dentist under an expanded physician and dentist loan assistance program that is funded through federal funds in addition to state matching funds. To be eligible for loan repayment under the expanded physician and dentist loan assistance program, a physician or dentist must fulfill all of the requirements for loan repayment under this section, as well as all of the following:

SECTION 3686. 560.183 (9) (a) of the statutes is amended to read:

560.183 (9) (a) The physician or dentist must be a U.S. citizen.

SECTION 3687. 560.183 (9) (b) of the statutes is amended to read:

560.183 (9) (b) The physician or dentist may not have a judgment lien against his or her property for a debt to the United States.

SECTION 3688. 560.183 (9) (c) (intro.) of the statutes is amended to read:

560.183 (9) (c) (intro.) The physician or dentist must agree to do all of the following:

SECTION 3689. 560.183 (9) (c) 2. of the statutes is amended to read:

560.183 (9) (c) 2. Use a sliding fee scale or a comparable method of determining payment arrangements for patients who are not eligible for medicare or medical assistance and who are unable to pay the customary fee for the physician’s or dentist’s services.

SECTION 3690. 560.183 (9) (c) 3. of the statutes is amended to read:
560.183 (9) (c) 3. Practice at a public or private nonprofit entity in a health professional shortage area, if a physician, or in a dental health shortage area, if a dentist.

**SECTION 3691.** 560.185 (1) of the statutes is amended to read:

560.185 (1) Advise the department on matters related to the physician and dentist loan assistance program under s. 560.183 and the health care provider loan assistance program under s. 560.184.

**SECTION 3692.** 560.25 (2) (intro.) of the statutes is amended to read:

560.25 (2) Grants. (intro.) Subject to subs. sub. (4) and (5), the department may make a grant from the appropriation under s. 20.143 (1) (ie) (ko) to a technology-based nonprofit organization to provide support for a manufacturing extension center if all of the following apply:

**SECTION 3693.** 560.25 (5) of the statutes is repealed.

**SECTION 3694.** 560.42 (5) of the statutes is repealed and recreated to read:

560.42 (5) Report. Beginning in 2003 and biennially thereafter, the center shall prepare a report describing its activities under this section since the period covered in the previous report. The department shall submit the report with the report required under s. 560.55. The report may include recommendations for the legislature, governor, public records board, and regulatory agencies on simplifying the process of applying for permits, of reviewing and making determinations on permit applications, and of issuing permits, and shall include information on the number of requests for assistance, the types of assistance provided, and the center’s success in resolving conflicts in permit application and review processes.

**SECTION 3695.** 560.42 (6) of the statutes is repealed.

**SECTION 3696.** 560.44 (2) of the statutes is amended to read:
560.44 (2) Administration of Brownfields Grant Program programs. The center shall assist in administering the grant program programs under s. 560.13 and 560.132 and in administering grants and loans under s. 560.138 that are made for brownfields remediation projects.

Section 3697. 560.55 (1) of the statutes is repealed.

Section 3698. 560.55 (2) of the statutes is renumbered 560.55 and amended to read:

560.55 Evaluation and report Report. No Beginning on October 15, 2003, and no later than January 1 October 15 of each odd-numbered year thereafter, the department shall submit to the governor and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report containing the evaluation prepared under sub. (1) and describing the department’s activities and the result of the department’s activities under s. 560.54 since the period covered in the previous report. The department shall combine this report with the report required under s. 560.42 (5) and may combine this report with other reports published by the department, including the report under s. 15.04 (1) (d). The report may include recommendations for legislative proposals to change the entrepreneurial assistance programs and intermediary assistance programs.

Section 3699. 560.68 (3) of the statutes is amended to read:

560.68 (3) The department may charge a grant or loan recipient an origination fee of up to 2% of the grant or loan amount if the grant or loan exceeds $200,000 and is awarded under s. 560.63 or 560.66. The department shall deposit all origination fees collected under this subsection in the appropriation account under s. 20.143 (1) (gm) (h).
Section 3700. 560.70 (7) of the statutes is renumbered 560.70 (7) (a) and amended to read:

560.70 (7) (a) “Tax Except as provided in par. (b), “tax benefits” means the development zones credit under ss. 71.07 (2dx), 71.28 (1dx), and 71.47 (1dx), except that in

(b) In s. 560.795, “tax benefits” means the development zones investment credit under ss. 71.07 (2di), 71.28 (1di), and 71.47 (1di) and the development zones credit under ss. 71.07 (2dx), 71.28 (1dx), and 71.47 (1dx). With respect to the development opportunity zone under s. 560.795 (1) (e), “tax benefits” also means the development zones capital investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

Section 3701. 560.795 (1) (e) of the statutes is created to read:

560.795 (1) (e) An area in the city of Milwaukee, the legal description of which is provided to the department by the local governing body of the city of Milwaukee.

Section 3702. 560.795 (2) (a) of the statutes is amended to read:

560.795 (2) (a) Except as provided in par. (d), the designation of each area under sub. (1) (a), (b) and (c), and (e) as a development opportunity zone shall be effective for 36 months, with the designation of the areas under sub. (1) (a) and (b) beginning on April 23, 1994, and the designation of the area under sub. (1) (c) beginning on April 28, 1995. Except as provided in par. (d), the designation of each area under sub. (1) (d) and (e) as a development opportunity zone shall be effective for 84 months, with the designation of the area under sub. (1) (d) beginning on January 1, 2000, and the designation of the area under sub. (1) (e) beginning on the effective date of this paragraph .... [revisor inserts date].

Section 3703. 560.795 (2) (b) 5. of the statutes is created to read:
560.795 (2) (b) 5. The limit for tax benefits for the development opportunity zone under sub. (1) (e) is $4,700,000.

**SECTION 3704.** 560.795 (3) (a) 4. of the statutes is created to read:

560.795 (3) (a) 4. Any corporation that is conducting or that intends to conduct economic activity in a development opportunity zone under sub. (1) (e) and that, in conjunction with the local governing body of the city in which the development opportunity zone is located, submits a project plan as described in par. (b) to the department shall be entitled to claim tax benefits while the area is designated as a development opportunity zone.

**SECTION 3705.** 560.795 (3) (c) of the statutes is amended to read:

560.795 (3) (c) The department shall notify the department of revenue of all corporations entitled to claim tax benefits under this section subsection.

**SECTION 3706.** 560.795 (3) (d) of the statutes is amended to read:

560.795 (3) (d) The department annually shall verify information submitted to the department under s. 71.07 (2di), (2dm), or (2dx), 71.28 (1di), (1dm), or (1dx), or 71.47 (1di), (1dm), or (1dx).

**SECTION 3707.** 560.795 (4) (a) (intro.) of the statutes is amended to read:

560.795 (4) (a) (intro.) The department shall revoke the entitlement of a corporation to claim tax benefits under this section subsection (3) if the corporation does any of the following:

**SECTION 3708.** 560.795 (5) of the statutes is created to read:

560.795 (5) Certification based on the activity of another. (a) The department may certify for tax benefits a person that is conducting economic activity in the development opportunity zone under sub. (1) (e) and that is not otherwise entitled to claim tax benefits if all of the following apply:
1. The person’s economic activity is instrumental in enabling another person
   to conduct economic activity in the development opportunity zone under sub. (1) (e).

2. The department determines that the economic activity of the other person
   under subd. 1. would not have occurred but for the involvement of the person to be
   certified for tax benefits under this subsection.

3. The person to be certified for tax benefits under this subsection will pass the
   benefits through to the other person conducting the economic activity under subd.
   1., as determined by the department.

4. The other person conducting the economic activity under subd. 1. does not
   claim tax benefits under sub. (3).

   (b) A person intending to claim tax benefits under this subsection shall submit
   to the department an application, in the form required by the department, containing
   information required by the department and by the department of revenue.

   (c) The department shall notify the department of revenue of all persons
   certified to claim tax benefits under this subsection.

   (d) The department annually shall verify information submitted to the
   department under s. 71.07 (2dm) or (2dx), 71.28 (1dm) or (1dx), or 71.47 (1dm) or
   (1dx).

   (e) The department shall revoke the entitlement of a person to claim tax
   benefits under this subsection if the person does any of the following:

   1. Supplies false or misleading information to obtain the tax benefits.

   2. Ceases operations in the development opportunity zone under sub. (1) (e).

   3. Does not pass the benefits through to the other person conducting the
      economic activity under par. (a) 1., as determined by the department.
(f) The department shall notify the department of revenue within 30 days after revoking an entitlement under par. (e).

SECTION 3709. 560.80 (4) (a) and (b) of the statutes are consolidated, renumbered 560.80 (4) and amended to read:

560.80 (4) “Eligible development project costs” means costs that, in accordance with sound business and financial practices, are appropriately incurred in connection with a development project or a recycling development project. (b) “Eligible development project costs,” but does not include entertainment expenses or expenses incurred more than 6 months before the board approves a grant or loan under s. 560.83 or 560.835.

SECTION 3710. 560.80 (5) of the statutes is amended to read:

560.80 (5) “Eligible recipient” means a person who is eligible to receive a grant under s. 560.82 (5) (a) or 560.837 or a grant or loan under s. 560.83 (5) (a) or (b) or 560.835.

SECTION 3711. 560.82 (5) of the statutes is renumbered 560.82 (5) (a).

SECTION 3712. 560.82 (5) (b) of the statutes is created to read:

560.82 (5) (b) If the department awards a grant under sub. (1), the department may contract directly with and pay grant proceeds directly to any person providing technical or management assistance to the grant recipient.

SECTION 3713. 560.96 of the statutes is created to read:

560.96 Technology zones. (1) In this section, “tax credit” means a credit under s. 71.07 (3g), 71.28 (3g), or 71.47 (3g).

(2) (a) The department shall designate as technology zones up to 7 areas in the state in fiscal year 2001–02, up to 7 areas in the state in fiscal year 2002–03, and up to 6 areas in the state in fiscal year 2003–04. A business that is located in a
technology zone and that is certified by the department under sub. (3) is eligible for a tax credit as provided in sub. (3).

(b) The designation of an area as a technology zone shall be in effect for 10 years from the time that the department first designates the area. However, not more than $5,000,000 in tax credits may be claimed in a technology zone. The department may change the boundaries of a technology zone during the time that its designation is in effect. A change in the boundaries of a technology zone does not affect the duration of the designation of the area or the maximum tax credit amount that may be claimed in the technology zone.

(3) (a) The department may certify for tax credits in a technology zone a business that satisfies all of the following requirements:

1. The business is located in the technology zone.
2. The business is a new or expanding business.
3. The business is a high-technology business.

(b) In determining whether to certify a business under this subsection, the department shall consider all of the following:

1. How many new jobs the business is likely to create.
2. The extent and nature of the high technology used by the business.
3. The likelihood that the business will attract related enterprises.
4. The amount of capital investment that the business is likely to make in the state.
5. The economic viability of the business.

(c) When the department certifies a business under this subsection, the department shall establish a limit on the amount of tax credits that the business may claim. Unless its certification is revoked, and subject to the limit on the tax credit
amount established by the department under this paragraph, a business that is
certified may claim a tax credit for 3 years, except that a business that experiences
growth, as determined for that business by the department under par. (d) and sub.
(5) (e), may claim a tax credit for up to 5 years.

(d) The department shall enter into an agreement with a business that is
certified under this subsection. The agreement shall specify the limit on the amount
of tax credits that the business may claim, the extent and type of growth, which shall
be specific to the business, that the business must experience to extend its eligibility
for a tax credit, the business’ baseline against which that growth will be measured,
any other conditions that the business must satisfy to extend its eligibility for a tax
credit, and reporting requirements with which the business must comply.

(4) (a) The department of commerce shall notify the department of revenue of
all the following:

1. A technology zone’s designation.

2. A business’ certification and the limit on the amount of tax credits that the
business may claim.

3. The extension or revocation of a business’ certification.

(b) The department shall annually verify information submitted to the
department under ss. 71.07 (3g) (b), 71.28 (3g) (b), and 71.47 (3g) (b).

(5) The department shall promulgate rules for the operation of this section,
including rules related to all the following:

(a) Criteria for designating an area as a technology zone.

(b) A business’ eligibility for certification, including definitions for all of the
following:

1. New or expanding business.
2. High-technology business.

   (c) Certifying a business, including use of the factors under sub. (3) (b).

   (d) Standards for establishing the limit on the amount of tax credits that a business may claim.

   (e) Standards for extending a business’ certification, including what measures, in addition to job creation, the department will use to determine the growth of a specific business and how the department will establish baselines against which to measure growth.

   (f) Reporting requirements for certified businesses.

   (g) The exchange of information between the department of commerce and the department of revenue.

   (h) Reasons for revoking a business’ certification.

   (i) Standards for changing the boundaries of a technology zone.

**SECTION 3714.** 565.30 (1) of the statutes is renumbered 565.30 (1) (a) and amended to read:

565.30 (1) (a) The Except as provided in sub. (2g) (c), the administrator shall direct the payment of a prize, in the form elected under s. 565.28, if applicable, to the holder of the winning lottery ticket or lottery share or, to a person designated under sub. (2), except that a prize may be paid to another person under a court order or to a person under the terms of a court order other than an order issued under sub. (2g).

   (b) Notwithstanding par. (a), the administrator may direct the payment of a prize, in the form elected under s. 565.28, if applicable, to the estate of a deceased prize winner.

   (c) The department, administrator, state and any contractor for materials, equipment or services of the game in which the prize is won are discharged of all
liability upon payment of the prize to the holder of a winning lottery ticket or lottery share a person under par. (a) or (b) or sub. (2g).

SECTION 3715. 565.30 (2g) of the statutes is created to read:

565.30 (2g) MULTIPLE PAYEES OF A PRIZE. (a) If the holder of a single winning lottery ticket or lottery share is more than one person and the total amount of the lottery prize is equal to or greater than $1,000, those persons shall petition a circuit court for an order declaring each person’s interest in the lottery prize.

(b) An order issued under par. (a) shall include all of the following:

1. The name and social security number of each person whom the court determines has an interest in the lottery prize.

2. The amount of each person’s share of the lottery prize.

(c) After a court order has been issued under this subsection, the administrator shall pay to each person whom the court has determined has an interest in the lottery prize, in the form elected under s. 565.28, if applicable, his or her share of the lottery prize as specified in the court order.

SECTION 3716. 565.30 (5) of the statutes is renumbered 565.30 (5) (a) and amended to read:

565.30 (5) (a) The Except as provided in par. (b), the administrator shall report the name, address and social security number or federal income tax number of each winner of person to whom a lottery prize equal to or greater than $1,000 and the name, address and social security number or federal income tax number of each will be paid under sub. (1), person to whom a lottery prize equal to or greater than $1,000 has been assigned, and person to whom a share of a lottery prize will be paid under sub. (2g) to the department of revenue to determine whether the payee or assignee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78
or 139 or, if applicable, in the court-ordered payment of child support or has a debt owing to the state.

(b) Upon receipt of a report under this subsection par. (a), the department of revenue shall first ascertain based on certifications by the department of workforce development or its designee under s. 49.855 (1) whether any person named in the report is currently delinquent in court-ordered payment of child support and shall next certify to the administrator whether any person named in the report is delinquent in court-ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee or assignee of the prize is delinquent both in payments for state taxes and in court-ordered payments of child support, or is delinquent in one or both of these payments and has a debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee or assignee.

SECTION 3717. 565.30 (5m) (a) of the statutes is amended to read:

565.30 (5m) (a) The administrator shall report to the department of workforce development the name, address and social security number of each person to whom a lottery prize that is payable in instalments will be paid under sub. (1) or (2g) and the name, address and social security number or federal income tax number
of the person who has been assigned a lottery prize that is payable in instalments. Upon receipt of the report, the department of workforce development shall certify to the administrator whether any payee or assignee named in the report is obligated to provide child support, spousal support, maintenance or family support under s. 767.02 (1) (f) or (g), 767.10, 767.23, 767.25, 767.26, 767.261, 767.458 (3), 767.465 (2m), 767.477, 767.51 (3), 767.62 (4) or 948.22 (7) or ch. 769 and the amount required to be withheld from the lottery prize under s. 767.265. Subject to par. (b), the administrator shall withhold the certified amount from each payment made to the winner or assignee and remit the certified amount to the department of workforce development.

Section 3718. 565.30 (5r) (a) of the statutes is amended to read:

565.30 (5r) (a) Annually, the administrator shall provide each clerk of circuit court in the state with a list of the winners persons to whom a lottery prize that is payable in installments will be paid under sub. (1) or (2g) or assignees of persons to whom a lottery prize that is payable in instalments has been assigned. The list shall include each winner person to whom a lottery prize that is payable in installments will be paid under sub. (1) or (2g) or assignee since the date of the previous list.

Section 3719. 600.01 (1) (b) 8. of the statutes is amended to read:

600.01 (1) (b) 8. Guarantees of the Wisconsin Housing and Economic Development Authority under s. 234.68, 1995 stats., s. 234.69, 1995 stats., s. 234.765, 1995 stats., s. 234.82, 1995 stats., s. 234.87, 1995 stats., and ss. 234.67, 234.83, 234.84, 234.90, 234.905, 234.907, and 234.91.

Section 3720. 601.04 (4) of the statutes is amended to read:
601.04 (4) Fees. Every insurer or plan obtaining or renewing its certificate shall pay the fee required by s. 601.31 (1) (b) or (c) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b) or (c).

**SECTION 3721.** 601.31 (1) (intro.) of the statutes is amended to read:

601.31 (1) (intro.) The following fees, unless revised by the commissioner as provided in s. 601.32, or unless the commissioner specifies a different amount by rule, shall be paid to the commissioner:

**SECTION 3722.** 601.31 (1) (L) (intro.) of the statutes is renumbered 601.31 (1) (L) and amended to read:

601.31 (1) (L) For issuing or enlarging the scope of a corporation, limited liability company, or partnership intermediary's license or a license to place business under s. 618.41, amounts to be set by the commissioner by rule but not to exceed.

**SECTION 3723.** 601.31 (1) (L) 2. of the statutes is repealed.

**SECTION 3724.** 601.31 (1) (L) 3. of the statutes is repealed.

**SECTION 3725.** 601.31 (1) (mc) of the statutes is amended to read:

601.31 (1) (mc) For regulating a holder of a license to place business under s. 618.41, annually after the year in which the initial license is issued, an amount to be set by the commissioner by rule and paid at times and under procedures set by the commissioner, but not to exceed $100.

**SECTION 3726.** 601.31 (1) (n) of the statutes is amended to read:

601.31 (1) (n) For listing, or renewing a listing of, an agent under s. 628.11, a fee to be set by the commissioner by rule but not to exceed $8 annually for resident agents or $24 annually for nonresident agents.

**SECTION 3727.** 601.31 (1) (x) 1. of the statutes is amended to read:
601.31 (1) (x) 1. For issuing approval to an organization to offer prelicensing or continuing education courses or programs for intermediaries under s. 628.04 (3), a fee to be set by the commissioner by rule, but not to exceed $500.

SECTION 3728. 601.31 (1) (x) 2. of the statutes is amended to read:

601.31 (1) (x) 2. By organizations approved under subd. 1., for renewing the approval of such organizations, an organization approved under subd. 1., annually after the year in which the approval under subd. 1. is issued, an amount to be set and paid at times and under procedure set by the commissioner by rule, but not to exceed $100.

SECTION 3729. 601.31 (1) (x) 3. of the statutes is amended to read:

601.31 (1) (x) 3. By organizations approved under subd. 1., for submitting by an organization approved under subd. 1., for initial approval or approval of any subsequent modification, each course for prelicensing or continuing education, a fee to be set by the commissioner by rule, but not to exceed $25 per credit hour.

SECTION 3730. 601.31 (2) of the statutes is amended to read:

601.31 (2) Town mutuals and insurers operating under subch. I of ch. 616 are exempt from all provisions of this section except sub. subs. (1) (b), (c), and (q) and (4) with respect to fees under sub. (1) (b), (c), and (q).

SECTION 3731. 601.31 (4) of the statutes is created to read:

601.31 (4) Except as provided in sub. (1) (L), (m), (mc), (n), (o), and (x) 1., 2., and 3., and subject to sub. (3), the commissioner may by rule specify a fee amount that is different from an amount specified under sub. (1). Subject to sub. (3), a rule promulgated for a fee required under sub. (1) may provide for a maximum fee amount, and the commissioner may charge a lesser amount than the maximum fee amount specified in the rule.
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**SECTION 3732.** 601.32 (1) of the statutes is amended to read:

601.32 (1) If Notwithstanding that a rule promulgated under s. 601.31 (4) may provide for a maximum fee amount, if the moneys credited to s. 20.145 (1) (g) under other sections of the statutes prove inadequate for the office’s supervision of insurance industry program, the commissioner may increase any or all of the fees imposed fee amounts specified by s. 601.31 or a rule under s. 601.31, or may in any year levy a special assessment on all domestic insurers, or both, for the general operation of that program.

**SECTION 3733.** 601.33 of the statutes is amended to read:

**601.33 Exemption from taxation.** Municipal insurance mutuals organized under s. 611.11 (4) are not subject to any taxes or fees except those imposed by under ss. 601.31 and 601.32.

**SECTION 3734.** 601.415 (13) of the statutes is created to read:

601.415 (13) **SUBSTANTIALLY SIMILAR HEALTH CARE BENEFITS COVERAGE RULES.** The commissioner shall promulgate the rules required under s. 111.70 (4) (cm) 8s. b. and (o), setting out a standardized summary of benefits provided under health care coverage policies and plans for use in determining benefit similarities and differences among policies and plans.

**SECTION 3735.** 601.47 (2) of the statutes is amended to read:

601.47 (2) **ANNUAL REPORT.** The commissioner shall determine the form for and have printed the report required in s. 601.46 (3), in number sufficient and shall have the report published in sufficient quantity to meet all requests for copies. The commissioner shall distribute copies upon request to any person who pays the reasonable price thereof determined for the report under sub. (1).

**SECTION 3736.** 601.51 (1) of the statutes is amended to read:
601.51 (1) CERTIFIED COPIES. On request of any insurer authorized to do a surety business and its payment of the fee under s. 601.31 (4), the commissioner shall mail a certified copy of its certificate of authority to any designated public officer in this state who requires such a certificate before accepting a bond. That public officer shall file it. Whenever a certified copy has been furnished to a public officer it is unnecessary, while the certificate remains effective, to attach a copy of it to any instrument of suretyship filed.

SECTION 3737. 601.72 (4) of the statutes is amended to read:

601.72 (4) FEES. Litigants serving process on the commissioner under this section shall pay the fees specified in s. 601.31 (1) (p) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (p).

SECTION 3738. 601.93 (2) of the statutes is amended to read:

601.93 (2) Every insurer doing a fire insurance business in this state shall, before March 1 in of each year, file with the commissioner a statement, showing the amount of premiums upon fire insurance due for the preceding calendar year. Return premiums may be deducted in determining the premium on which the fire department dues are computed. Payments of quarterly instalments instalments of the total estimated payment for the then current calendar year under this subsection are due on or before April 15, June 15, September 15, and December 15. On March 1, the insurer shall pay any additional amounts due for the preceding calendar year. Overpayments will be credited on the amount due April 15. The commissioner shall, prior to before May 1 of each year, report to the department of commerce the amount of dues paid under this subsection and to be paid under s. 101.573 (1) 604.04 (3) (b).

SECTION 3739. 604.04 (3) of the statutes is renumbered 604.04 (3) (a).

SECTION 3740. 604.04 (3) (b) of the statutes is created to read:
604.04 (3) (b) Before May 1 of each year, the local government property insurance fund shall be charged fire department dues equal to 2% of the amount of all premiums that, during the preceding calendar year, have been paid into the state treasury for the benefit of the local government property insurance fund.

SECTION 3741. 607.21 (intro.) of the statutes is amended to read:

607.21 Payments from life fund. (intro.) In addition to the payments under s. 604.04 (3) (a), and the payments which become due under its policies, the life fund shall pay:

SECTION 3742. 611.67 (1) (intro.) and (c) of the statutes are consolidated, renumbered 611.67 (1) and amended to read:

611.67 (1) In this section: (c) “Management, “management authority” means the authority to exercise any management control of the corporation or of its underwriting, loss adjustment, investment, general servicing, or production function or other major corporate function.

SECTION 3743. 611.67 (1) (a) of the statutes is repealed.

SECTION 3744. 611.67 (1) (b) of the statutes is repealed.

SECTION 3745. 611.67 (1) (d) of the statutes is repealed.

SECTION 3746. 611.67 (2) of the statutes is amended to read:

611.67 (2) Except as provided in sub. (3), a corporation may not be a party to a contract which has the effect of delegating management authority to a person to the substantial exclusion of the board.

SECTION 3747. 611.67 (3) of the statutes is repealed.

SECTION 3748. 611.67 (4) of the statutes is repealed.

SECTION 3749. 614.80 of the statutes is amended to read:
614.80 Tax exemption. Every domestic and nondomestic fraternal, except those that offer a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) is exempt from all state, county, district, municipal and school taxes or fees, except the fees required by s. 601.31 (2), but is required to pay all taxes and special assessments on its real estate and office equipment, except as provided in ss. 70.11 (4) and 70.1105 (1).

SECTION 3750. 616.20 (5) of the statutes is amended to read:

616.20 (5) Fees. A new corporation formed under this section is not subject to the fees under s. 601.31 (1) or (2).

SECTION 3751. 616.74 (2) of the statutes is amended to read:

616.74 (2) No certificate of authority shall be issued by the commissioner until the company has paid to the commissioner the fee required by s. 601.31 (1) (b) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b).

SECTION 3752. 618.22 (1) of the statutes is amended to read:

618.22 (1) Filing of contract. No nondomestic insurer may be a party to any exclusive agency contract or management contract as defined described in ss. 611.66 and 611.67, respectively, unless the contract is filed with the commissioner and not disapproved under this section within 30 days after filing, or such reasonable extended period as the commissioner may specify by notice given within the 30 days.

SECTION 3753. 618.22 (2) (intro.) of the statutes is amended to read:

618.22 (2) Disapproval. (intro.) The commissioner shall disapprove a contract under specified in sub. (1) or s. 611.67 if he or she finds that:

SECTION 3754. 618.41 (7) (b) of the statutes is amended to read:

618.41 (7) (b) The fee for issuance of a surplus lines license is the fee required by under s. 601.31 (1) (L) 3.
SECTION 3755. 626.09 (4) of the statutes is amended to read:

626.09 (4) FEES. Section Sections 601.31 (1) (c) 2. applies and (4) and 601.32 apply to the bureau.

SECTION 3756. 632.68 (2) (b) (intro.) of the statutes is amended to read:

632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical settlement provider license on a form prescribed by the commissioner for that purpose. The application form shall require the applicant to provide the applicant’s social security number, if the applicant is a natural person unless the applicant does not have a social security number, or the applicant’s federal employer identification number, if the applicant is not a natural person. The fee specified in s. 601.31 (1) (mm) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mm) shall accompany the application. After any investigation of the applicant that the commissioner determines is sufficient, the commissioner shall issue a viatical settlement provider license to an applicant that satisfies all of the following:

SECTION 3757. 632.68 (2) (e) of the statutes is amended to read:

632.68 (2) (e) Except as provided in sub. (3), a license issued under this subsection shall be renewed annually on the anniversary date upon payment of the fee specified in s. 601.31 (1) (mp) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mp) and upon providing the licensee’s social security number, unless the licensee does not have a social security number, or federal employer identification number, as applicable, if not previously provided on the application for the license or at a previous renewal of the license. If the licensee is a natural person who does not have a social security number, the license shall be renewed annually on the anniversary date upon payment of the fee specified in s. 601.31 (1) (mp) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mp) and upon
providing to the commissioner a statement made or subscribed under oath or
affirmation, on a form prescribed by the department of workforce development, that
the licensee does not have a social security number.

SECTION 3758. 632.68 (4) (b) of the statutes is amended to read:

632.68 (4) (b) A person may apply to the commissioner for a viatical settlement
broker license on a form prescribed by the commissioner for that purpose. The
application form shall require the applicant to provide the applicant’s social security
number, if the applicant is a natural person unless the applicant does not have a
social security number, or the applicant’s federal employer identification number, if
the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) or a rule
promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mr) shall accompany
the application. The commissioner may not issue a license under this subsection
unless the applicant provides his or her social security number, unless the applicant
does not have a social security number, or its federal employer identification number,
whichever is applicable. If the applicant is a natural person who does not have a
social security number, the commissioner may not issue a license under this
subsection unless the applicant provides, on a form prescribed by the department of
workforce development, a statement made or subscribed under oath or affirmation
that the applicant does not have a social security number.

SECTION 3759. 632.68 (4) (c) of the statutes is amended to read:

632.68 (4) (c) Except as provided in sub. (5), a license issued under this
subsection shall be renewed annually on the anniversary date upon payment of the
fee specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with
respect to s. 601.31 (1) (ms) and upon providing the licensee’s social security number,
unless the licensee does not have a social security number, or federal employer
identification number, as applicable, if not previously provided on the application for
the license or at a previous renewal of the license. If the licensee is a natural person
who does not have a social security number, the license shall be renewed annually,
except as provided in sub. (5), on the anniversary date upon payment of the fee
specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with respect
to s. 601.31 (1) (ms) and upon providing to the commissioner a statement made or
subscribed under oath or affirmation, on a form prescribed by the department of
workforce development, that the licensee does not have a social security number.

SECTION 3760. 632.835 (4) (b) of the statutes is amended to read:

632.835 (4) (b) An organization applying for certification or recertification as
an independent review organization shall pay the applicable fee under s. 601.31 (1)
(Lp) or (Lr) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (Lp)
or (Lr). Every organization certified or recertified as an independent review
organization shall file a report with the commissioner in accordance with rules
promulgated under sub. (5) (a) 4.

SECTION 3761. 632.89 (1) (e) 1. of the statutes is amended to read:

632.89 (1) (e) 1. A program in an outpatient treatment facility, if both are
approved by the department of health and family services, the program is
established and maintained according to rules promulgated under s. 51.42 (7) (b) and
the facility is approved and certified under s. 51.04.

SECTION 3762. 632.895 (12) (b) 2. of the statutes is renumbered 632.895 (12)
(b) 2. (intro.) and amended to read:

632.895 (12) (b) 2. (intro.) The individual has a chronic disability that meets
all of the following conditions under s. 230.04 (9r) (a) 2. a., b. and c.:
632.895 (12) (b) 2. a. The chronic disability is attributable to a mental or physical impairment or combination of mental and physical impairments.

b. The chronic disability is likely to continue indefinitely.

c. The chronic disability results in substantial functional limitations in one or more of the following areas of major life activity: self-care; receptive and expressive language; learning; mobility; capacity for independent living; and economic self-sufficiency.

SECTION 3764. 633.14 (1) (a) of the statutes is amended to read:
633.14 (1) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (w).

SECTION 3765. 633.14 (2) (a) of the statutes is amended to read:
633.14 (2) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (w).

SECTION 3766. 633.15 (1) (a) of the statutes is amended to read:
633.15 (1) (a) Payment. An administrator shall pay the annual renewal fee under s. 601.31 (1) (w) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (w) for each annual renewal of a license by the date specified by a schedule established under par. (b).

SECTION 3767. 647.04 (1) of the statutes is amended to read:
647.04 (1) Submit to the commissioner the fees required under s. 601.31 (4).

SECTION 3768. 704.05 (5) (a) 2. of the statutes is amended to read:
704.05 (5) (a) 2. Give the tenant notice, personally or by ordinary mail addressed to the tenant’s last-known address, of the landlord’s intent to dispose of the personal property by sale or other appropriate means if the property is not repossessed by the tenant. If the tenant fails to repossess the property within
30 days after the date of personal service or the date of the mailing of the notice, the landlord may dispose of the property by private or public sale or any other appropriate means. The landlord may deduct from the proceeds of sale any costs of sale and any storage charges if the landlord has first stored the personalty under subd. 1. If the proceeds minus the costs of sale and minus any storage charges are not claimed within 60 days after the date of the sale of the personalty, the landlord is not accountable to the tenant for any of the proceeds of the sale or the value of the property. The landlord shall send the proceeds of the sale minus the costs of the sale and minus any storage charges to the department of administration for deposit in the appropriation under s. 20.505 (7) (gm) (h).

SECTION 3769. 704.31 (3) of the statutes is amended to read:

704.31 (3) This section does not apply to a lease to which a local professional baseball park district created under subch. III of ch. 229 or the Fox River Navigational System Authority is a party.

SECTION 3770. 704.90 (10) (c) of the statutes is amended to read:

704.90 (10) (c) Forfeitures under par. (a) shall be enforced by action on behalf of the state by the department of justice, agriculture, trade and consumer protection or by the district attorney of the county where the violation occurs.

SECTION 3771. 710.02 (4) (a) of the statutes is renumbered 710.02 (4).

SECTION 3772. 710.02 (4) (b) of the statutes is repealed.

SECTION 3773. 710.02 (7) of the statutes is amended to read:

710.02 (7) PENALTY FOR FAILURE TO REPORT. Any person violating sub. (4) (a) shall forfeit not less than $500 nor more than $5,000.

SECTION 3774. 757.05 (1) (a) of the statutes is amended to read:
757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), or (bm) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount of 23% of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

**SECTION 3775.** 757.05 (1) (b) of the statutes is amended to read:

757.05 (1) (b) If a fine or forfeiture is imposed by a court of record, after a determination by the court of the amount due, the clerk of the court shall collect and transmit the amount to the county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then make payment to the state treasurer as provided in s. 59.25 (3) (f).

**SECTION 3776.** 757.05 (1) (c) of the statutes is amended to read:

757.05 (1) (c) If a fine or forfeiture is imposed by a municipal court, after a determination by the court of the amount due, the court shall collect and transmit the amount to the treasurer of the county, city, town, or village, and that treasurer shall make payment to the state treasurer as provided in s. 66.0114 (1) (bm).

**SECTION 3777.** 757.05 (1) (d) of the statutes is amended to read:

757.05 (1) (d) If any deposit of bail is made for a noncriminal offense to which this section subsection applies, the person making the deposit shall also deposit a sufficient amount to include the assessment prescribed in this section subsection for
forfeited bail. If bail is forfeited, the amount of the assessment shall be transmitted monthly to the state treasurer under this section subsection. If bail is returned, the assessment shall also be returned.

SECTION 3778. 757.05 (2) (title) of the statutes is repealed.

SECTION 3779. 757.05 (2) (a) of the statutes is renumbered 165.87 (2) and amended to read:

165.87 (2) LAW ENFORCEMENT TRAINING FUND USE OF ASSESSMENT MONEYS. Twenty−seven fifty−fifths of all All moneys collected from penalty law enforcement training fund assessments under sub. (1) shall be credited to the appropriation account under s. 20.455 (2) (i) and utilized in accordance with ss. 20.455 (2) and 165.85 (5). The moneys credited to the appropriation account under s. 20.455 (2) (i), except for the moneys transferred to s. 20.455 (2) (jb), constitute the law enforcement training fund.

SECTION 3780. 757.05 (2) (b) of the statutes is renumbered 757.05 (2) and amended to read:

757.05 (2) OTHER PURPOSES USE OF PENALTY ASSESSMENT MONEYS. The moneys collected from penalty assessments under sub. (1) that remain after crediting the appropriation account specified in par. (a) shall be credited to the appropriation account under s. 20.505 (6) (j) and transferred as provided under s. 20.505 (6) (j).

SECTION 3781. 758.19 (7) of the statutes is amended to read:

758.19 (7) The director of state courts shall adopt, revise biennially and submit to the cochairpersons of the joint committee on information policy and technology, the governor and the secretary of administration department of electronic government, no later than September 15 of each even−numbered year, a strategic plan for the utilization of information technology to carry out the functions of the courts and
judicial branch agencies, as defined in s. 16.70 (5). The plan shall address the
business needs of the courts and judicial branch agencies and shall identify all
resources relating to information technology which the courts and judicial branch
agencies desire to acquire, contingent upon funding availability, the priority for such
acquisitions and the justification for such acquisitions. The plan shall also identify
any changes in the functioning of the courts and judicial branch agencies under the
plan.

SECTION 3782. 765.12 (1) of the statutes is renumbered 765.12 (1) (a) and
amended to read:

765.12 (1) (a) If ss. 765.02, 765.05, 765.08, and 765.09 are complied with, and
if there is no prohibition against or legal objection to the marriage, the county clerk
shall issue a marriage license. With each marriage license the county clerk shall
provide a pamphlet describing the causes and effects of fetal alcohol syndrome. After
the application for the marriage license the clerk shall, upon the sworn statement
of either of the applicants, correct any erroneous, false or insufficient statement in
the marriage license or in the application therefor which shall come to the clerk's
attention prior to the marriage and shall show the corrected statement as soon as
reasonably possible to the other applicant.

SECTION 3783. 765.12 (1) (b) of the statutes is created to read:

765.12 (1) (b) If, after completion of the marriage license application, one of the
applicants notifies the clerk in writing that any of the information provided by that
applicant for the license is erroneous, the clerk shall notify the other applicant of the
correction as soon as reasonably possible. If the marriage license has not been
issued, the clerk shall prepare a new license with the correct information entered.
If the marriage license has been issued, the clerk shall immediately send a letter of correction to the state registrar to amend the erroneous information.

**SECTION 3783.** 765.12 (1) (c) of the statutes is created to read:

765.12 (1) (c) If, after completion of the marriage license application, the clerk discovers that correct information has been entered erroneously, the clerk shall, if the marriage license has not been issued, prepare a new license with the correct information correctly entered. If the marriage license has been issued, the clerk shall immediately send a letter of correction to the state registrar to amend the erroneous information.

**SECTION 3784.** 765.13 of the statutes is amended to read:

765.13 Form of marriage document. The marriage document shall contain the social security number of each party, as well as any other informational items that the department of health and family services determines are necessary and shall agree in the main with the standard form recommended by the federal agency responsible for national vital statistics. It consist of the marriage license and the marriage license worksheet. The marriage license shall contain a notification of the time limits of the authorization to marry, a notation that the issue of the marriage license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the signature of the county clerk, who shall acquire the information for the marriage document and enter it in its proper place when the marriage license is issued. The marriage license worksheet shall contain the social security number of each party, as well as any other information items that the department of health and family services determines are necessary and shall agree in the main with the standard form recommended by the federal agency responsible for national vital statistics.
The county clerk shall transmit the marriage license worksheet to the state registrar within 5 days after the date of issuance of the marriage license.

**SECTION 3786.** 767.078 (1) (a) 2. of the statutes is amended to read:

767.078 (1) (a) 2. The child’s right to support is assigned to the state under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., or 49.19 (4) (h) 1. b.

**SECTION 3787.** 767.265 (1) of the statutes is amended to read:

767.265 (1) Each order for child support under this chapter, for maintenance payments under s. 767.23 or 767.26, for family support under this chapter, for costs ordered under s. 767.51 (3) or 767.62 (4), for support by a spouse under s. 767.02 (1) (f), or for maintenance payments under s. 767.02 (1) (g) or for each order for or obligation to pay the annual receiving and disbursing fee under s. 767.29 (1) (d), each order for a revision in a judgment or order with respect to child support, maintenance, or family support payments under s. 767.32, each stipulation approved by the court or the family court commissioner for child support under this chapter, and each order for child or spousal support entered under s. 948.22 (7) constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments, and other money due or to be due in the future to the department or its designee. The assignment shall be for an amount sufficient to ensure payment under the order, obligation, or stipulation and to pay any arrearages due at a periodic rate not to exceed 50% of the amount of support due under the order, obligation, or stipulation so long as the addition of the amount toward arrearages does not leave the party at an income below the poverty line established under 42 USC 9902 (2).

**SECTION 3788.** 767.265 (1m) of the statutes is amended to read:
767.265 (1m) If a party’s current obligation to pay maintenance, child support, spousal support, or family support or the annual receiving and disbursing fee terminates but the party has an arrearage in the payment of one or more of those payments, the or in the payment of the annual receiving and disbursing fee, any assignment under sub. (1) shall continue in effect, in an amount up to the amount of the assignment before the party’s current obligation terminated, until the arrearage is paid in full.

SECTION 3789. 767.29 (1) (d) of the statutes is amended to read:

767.29 (1) (d) For receiving and disbursing maintenance, child support, or family support payments, including arrears in any of those payments, and for maintaining the records required under par. (c), the department or its designee shall collect an annual fee of $25 $35. The court or family court commissioner shall order each party ordered to make payments to pay the annual fee under this paragraph in each year for which payments are ordered or in which an arrearage in any of those payments is owed. In directing the manner of payment of the annual fee, the court or family court commissioner shall order that the annual fee be withheld from income and sent to the department or its designee, as provided under s. 767.265. All fees collected under this paragraph shall be deposited in the appropriation account under s. 20.445 (3) (ja). At the time of ordering the payment of an annual fee under this paragraph, the court or family court commissioner shall notify each party ordered to make payments of the requirement to pay the annual fee and of the amount of the annual fee. If the annual fee under this paragraph is not paid when due, the department or its designee may not deduct the annual fee from the any maintenance or, child or family support, or arrearage payment, but may move the court for a remedial sanction under ch. 785.
SECTION 3790. 767.29 (1) (dm) 1m. of the statutes is amended to read:

767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees under s. 814.61 (12) (b), 1997 stats., that are shown on the department’s automated payment and collection system on December 31, 1998, and shall deposit all fees collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).

The department or its designee may collect unpaid fees under this subdivision through income withholding under s. 767.265 (2m). If the department or its designee determines that income withholding is inapplicable, ineffective, or insufficient for the collection of any unpaid fees under this subdivision, the department or its designee may move the court for a remedial sanction under ch. 785. The department or its designee may contract with or employ a collection agency or other person for the collection of any unpaid fees under this subdivision and, notwithstanding s. 20.930, may contract with or employ an attorney to appear in any action in state or federal court to enforce the payment obligation. The department or its designee may not deduct the amount of unpaid fees from any maintenance or child or family support, or arrearage payment.

SECTION 3791. 767.29 (1m) (c) of the statutes is amended to read:

767.29 (1m) (c) The party entitled to the support or maintenance money or a minor child of the party has applied for or is receiving aid to families with dependent children under s. 46.261 or public assistance under ch. 49 and there is an assignment to the state under s. 46.261 or 49.19 (4) (h) 1. b. of the party’s right to the support or maintenance money.

SECTION 3792. 767.29 (2) of the statutes is amended to read:

767.29 (2) If any party entitled to maintenance payments or support money, or both, is receiving public assistance under ch. 49, the party may assign the party’s
right thereto to the county department under s. 46.215, 46.22, or 46.23 granting such assistance. Such assignment shall be approved by order of the court granting the maintenance payments or support money, and may be terminated in like manner; except that it shall not be terminated in cases where there is any delinquency in the amount of maintenance payments and support money previously ordered or adjudged to be paid to the assignee without the written consent of the assignee or upon notice to the assignee and hearing. When an assignment of maintenance payments or support money, or both, has been approved by the order, the assignee shall be deemed a real party in interest within s. 803.01 but solely for the purpose of securing payment of unpaid maintenance payments or support money adjudged or ordered to be paid, by participating in proceedings to secure the payment thereof. Notwithstanding assignment under this subsection, and without further order of the court, the department or its designee, upon receiving notice that a party or a minor child of the parties is receiving aid under s. 46.261 or public assistance under ch. 49 or that a kinship care relative or long-term kinship care relative of the minor child is receiving kinship care payments or long-term kinship care payments for the minor child, shall forward all support assigned under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) 1. or 49.45 (19) to the assignee under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) 1. or 49.45 (19).

SECTION 3793. 767.29 (4) of the statutes is amended to read:

767.29 (4) If an order or judgment providing for the support of one or more children not receiving aid under s. 46.261, 48.57 (3m) or (3n) or 49.19 includes support for a minor who is the beneficiary of aid under s. 46.261, 48.57 (3m) or (3n) or 49.19, any support payment made under the order or judgment is assigned to the state under s. 46.261, 48.57 (3m) (b) 2. or (3n) (b) 2. or 49.19 (4) (h) 1. b. in the amount
SECTION 3793. That is the proportionate share of the minor receiving aid under s. 46.261, 48.57 (3m) or (3n), or 49.19, except as otherwise ordered by the court on the motion of a party.

SECTION 3794. 767.62 (5) (b) of the statutes is amended to read:

767.62 (5) (b) If a court in a proceeding under par. (a) determines that the man is not the father of the child, the court shall vacate any order entered under sub. (4) with respect to the man. The court or the county child support agency under s. 59.53 (5) shall notify the state registrar, in the manner provided in s. 69.15 (1) (b), to remove the man's name as the father of the child from the child's birth certificate. No paternity action may thereafter be brought against the man with respect to the child.

SECTION 3795. 778.02 of the statutes is amended to read:

778.02 Action in name of state; complaint; attachment. Every such forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, according to the provisions of the statute that imposes it, specifying the statute and for the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or delinquencies the complaint shall specify the particular offense or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, any applicable enforcement
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assessment, any applicable consumer information protection assessment, and any applicable domestic abuse assessment. If the defendant is a nonresident of the state, an attachment may issue.

SECTION 3796. 778.03 of the statutes is amended to read:

778.03 Complaint to recover forfeited goods. In an action to recover property forfeited by any statute it shall be sufficient to allege in the complaint that the property has been forfeited, specifying the statute, with a demand of judgment for the delivery of the property, or the value thereof and for payment of the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1).

SECTION 3797. 778.06 of the statutes is amended to read:

778.06 Action for what sum. When a forfeiture is imposed, not exceeding a specific sum or when it is not less than one sum or more than another, the action may be brought for the highest sum specified and for the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum as the court or jury shall assess or determine to be proportionate to the offense.
SECTION 3798. 778.10 of the statutes is amended to read:

778.10 Municipal forfeitures, how recovered. All forfeitures imposed by any ordinance or regulation of any county, town, city, or village, or of any other domestic corporation may be sued for and recovered, under this chapter, in the name of the county, town, city, village, or corporation. It is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, specifying the ordinance or regulation that imposes it and of the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the ordinance or regulation imposes a penalty or forfeiture for several offenses or delinquencies the complaint shall specify the particular offenses or delinquency for which the action is brought, with a demand for judgment for the amount of the forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of the county, town, city, village, or corporation, except that all jail assessments shall be paid to the county treasurer.

SECTION 3799. 778.105 of the statutes is amended to read:
778.105 Disposition of forfeitures. Revenues from forfeitures imposed by any court or any branch thereof for the violation of any municipal or county ordinance shall be paid to the municipality or county. Penalty assessment payments shall be made as provided in s. 757.05. Law enforcement training fund assessment payments shall be made as provided in s. 165.87 (1). Jail assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement assessment payments shall be paid as provided in s. 165.755. Domestic abuse assessments shall be made as provided in s. 973.055. Consumer information protection assessment payments shall be made as provided in s. 100.261.

SECTION 3800. 778.13 of the statutes is amended to read:

778.13 Forfeitures collected, to whom paid. All moneys collected in favor of the state for forfeiture, except the portion to be paid to any person who sues with the state, shall be paid by the officer who collects the forfeiture to the treasurer of the county within which the forfeiture was incurred within 20 days after its receipt. In case of any failure in the payment the county treasurer may collect the payment of the officer by action, in the name of the office and upon the official bond of the officer, with interest at the rate of 12% per year from the time when it should have been paid. Penalty assessment payments shall be made as provided in s. 757.05. Law enforcement training fund assessment payments shall be made as provided in s. 165.87 (1). Jail assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement assessment payments shall be paid as provided in s. 165.755. Domestic abuse assessments shall be made as provided in s. 973.055. Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer information protection assessment payments shall be made as provided in s. 100.261.
SECTION 3801. 778.18 of the statutes is amended to read:

778.18 Penalty upon municipal judge. If any municipal judge, of his or her own will, dismisses any action brought before the judge under this chapter, unless by order of the district attorney or attorney general or the person joined as plaintiff with the state, or renders a less judgment therein than is prescribed by law, or releases or discharges any such judgment or part thereof without payment or collection, the judge and the judge's sureties shall be liable, in an action upon the judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture imposed by the judge and for the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which any such judgment or any part thereof is released or discharged. If any municipal judge gives time or delay to any person against whom any such judgment is rendered by the judge, or takes any bond or security for its future payment, the judge and the judge's sureties shall also be liable for the payment of the judgment upon the judge's bond.

SECTION 3802. 778.25 (2) (g) of the statutes is amended to read:

778.25 (2) (g) Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the failure to appear will be considered tender of a plea of no contest and submission to a forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, and crime laboratories and drug law enforcement assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit. The notice shall also
state that the court may decide to summon the defendant or, if the defendant is an adult, issue an arrest warrant for the defendant rather than accept the deposit and plea.

**SECTION 3803.** 778.25 (3) of the statutes is amended to read:

778.25 (3) If a person is issued a citation under this section the person may deposit the amount of money the issuing agent or officer directs by mailing or delivering the deposit and a copy of the citation to the clerk of court of the county where the violation occurred or the office or headquarters of the agent or officer who issued the citation prior to the court appearance date. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include costs, including any applicable fees prescribed in ch. 814, penalty assessment, law enforcement training fund assessment, jail assessment, and crime laboratories and drug law enforcement assessment.

**SECTION 3804.** 778.25 (5) of the statutes is amended to read:

778.25 (5) A person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of court regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time fixed in the citation he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, and crime laboratories and drug law enforcement assessment plus costs, including any applicable fees prescribed in ch. 814, not to exceed the amount of the deposit which the court may accept. The original of the
receipt shall be delivered to the defendant in person or by mail. If the defendant pays
by check, the check is the receipt.

**SECTION 3805.** 778.25 (8) (b) of the statutes is amended to read:

778.25 (8) (b) If the defendant has made a deposit, the citation may serve as
the initial pleading and the defendant shall be considered to have tendered a plea
of no contest and submitted to a forfeiture, penalty assessment, law enforcement
training fund assessment, jail assessment, and crime laboratories and drug law
enforcement assessment plus costs, including any applicable fees prescribed in ch.
814, not exceeding the amount of the deposit. The court may either accept the plea
of no contest and enter judgment accordingly, or reject the plea and issue a summons
or arrest warrant, except if the defendant is a minor the court shall proceed under
s. 938.28. Chapter 938 governs taking and holding a minor in custody. If the court
accepts the plea of no contest, the defendant may move within 90 days after the date
set for appearance to withdraw the plea of no contest, open the judgment, and enter
a plea of not guilty if the defendant shows to the satisfaction of the court that failure
to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a party
is relieved from the plea of no contest, the court or judge may order a written
complaint or petition to be filed. If on reopening the defendant is found not guilty,
the court shall delete the record of conviction and shall order the defendant’s deposit
returned.

**SECTION 3806.** 778.25 (10) of the statutes is amended to read:

778.25 (10) An officer collecting moneys for a forfeiture, penalty assessment,
law enforcement training fund assessment, jail assessment, crime laboratories and
drug law enforcement assessment, and costs under this section shall pay the same
to the appropriate municipal or county treasurer within 20 days after its receipt by
the officer, except that all jail assessments shall be paid to the county treasurer. If
the officer fails to make timely payment, the municipal or county treasurer may
collect the payment from the officer by an action in the treasurer’s name of office and
upon the official bond of the officer, with interest at the rate of 12% per year from the
time when it should have been paid.

SECTION 3807. 778.26 (2) (e) of the statutes is amended to read:

778.26 (2) (e) The maximum forfeiture, penalty assessment, law enforcement
training fund assessment, jail assessment, and crime laboratories and drug law
enforcement assessment for which the defendant is liable.

SECTION 3808. 778.26 (2) (g) of the statutes is amended to read:

778.26 (2) (g) Notice that, if the defendant makes a deposit and fails to appear
in court at the time specified in the citation, the failure to appear will be considered
tender of a plea of no contest and submission to a forfeiture, penalty assessment, law
enforcement training fund assessment, jail assessment, and crime laboratories and
drug law enforcement assessment plus costs not to exceed the amount of the deposit.
The notice shall also state that the court, instead of accepting the deposit and plea,
may decide to summon the defendant or may issue an arrest warrant for the
defendant upon failure to respond to a summons.

SECTION 3809. 778.26 (2) (h) of the statutes is amended to read:

778.26 (2) (h) Notice that, if the defendant makes a deposit and signs the
stipulation, the stipulation will be treated as a plea of no contest and submission to
a forfeiture, penalty assessment, law enforcement training fund assessment, jail
assessment, and crime laboratories and drug law enforcement assessment plus costs
not to exceed the amount of the deposit. The notice shall also state that the court,
instead of accepting the deposit and stipulation, may decide to summon the
defendant or issue an arrest warrant for the defendant upon failure to respond to a summons, and that the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation.

**SECTION 3810.** 778.26 (3) of the statutes is amended to read:

778.26 (3) A defendant issued a citation under this section may deposit the amount of money the issuing officer directs by mailing or delivering the deposit and a copy of the citation prior to the court appearance date to the clerk of the circuit court in the county where the violation occurred or to the sheriff’s office or police headquarters of the officer who issued the citation. The basic amount of the deposit shall be determined under a deposit schedule established by the judicial conference. The judicial conference shall annually review and revise the schedule. In addition to the basic amount determined by the schedule the deposit shall include the penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, and costs.

**SECTION 3811.** 778.26 (4) of the statutes is amended to read:

778.26 (4) A defendant may make a stipulation of no contest by submitting a deposit and a stipulation in the manner provided by sub. (3) prior to the court appearance date. The signed stipulation is a plea of no contest and submission to a forfeiture plus the penalty assessment, law enforcement training fund assessment, jail assessment, crime laboratories and drug law enforcement assessment, and costs not to exceed the amount of the deposit.

**SECTION 3812.** 778.26 (5) of the statutes is amended to read:

778.26 (5) Except as provided by sub. (6), a person receiving a deposit shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of the circuit court
regarding the disposition of the deposit, and notifying the defendant that if he or she fails to appear in court at the time specified in the citation he or she shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment, \textit{law enforcement training fund assessment}, jail assessment, and crime laboratories and drug law enforcement assessment plus costs not to exceed the amount of the deposit and that the court may accept the plea. The original of the receipt shall be delivered to the defendant in person or by mail. If the defendant pays by check, the canceled check is the receipt.

\textbf{SECTION 3813.} \texttt{778.26 (6)} of the statutes is amended to read:

\texttt{778.26 (6)} The person receiving a deposit and stipulation of no contest shall prepare a receipt in triplicate showing the purpose for which the deposit is made, stating that the defendant may inquire at the office of the clerk of the circuit court regarding the disposition of the deposit, and notifying the defendant that if the stipulation of no contest is accepted by the court the defendant will be considered to have submitted to a forfeiture, penalty assessment, \textit{law enforcement training fund assessment}, jail assessment, and crime laboratories and drug law enforcement assessment plus costs not to exceed the amount of the deposit. Delivery of the receipt shall be made in the same manner as provided in sub. (5).

\textbf{SECTION 3814.} \texttt{778.26 (7) (b)} of the statutes is amended to read:

\texttt{778.26 (7) (b)} If the defendant has made a deposit, the citation may serve as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment, \textit{law enforcement training fund assessment}, jail assessment, and crime laboratories and drug law enforcement assessment plus costs not to exceed the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the
plea and issue a summons. If the defendant fails to appear in response to the summons, the court shall issue an arrest warrant. If the court accepts the plea of no contest, the defendant may, within 90 days after the date set for appearance, move to withdraw the plea of no contest, open the judgment, and enter a plea of not guilty if the defendant shows to the satisfaction of the court that failure to appear was due to mistake, inadvertence, surprise, or excusable neglect. If a defendant is relieved from the plea of no contest, the court may order a written complaint or petition to be filed. If on reopening the defendant is found not guilty, the court shall delete the record of conviction and shall order the defendant’s deposit returned.

**SECTION 3815.** 778.26 (7) (c) of the statutes is amended to read:

778.26 (7) (c) If the defendant has made a deposit and stipulation of no contest, the citation serves as the initial pleading and the defendant shall be considered to have tendered a plea of no contest and submitted to a forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, and crime laboratories and drug law enforcement assessment plus costs not to exceed the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons or an arrest warrant. After signing a stipulation of no contest, the defendant may, at any time prior to or at the time of the court appearance date, move the court for relief from the effect of the stipulation. The court may act on the motion, with or without notice, for cause shown by affidavit and upon just terms, and relieve the defendant from the stipulation and the effects of the stipulation.

**SECTION 3816.** 778.26 (9) of the statutes is amended to read:

778.26 (9) An officer who collects a forfeiture, penalty assessment, law enforcement training fund assessment, jail assessment, and crime laboratories and
drug law enforcement assessment and costs under this section shall pay the money
to the county treasurer within 20 days after its receipt. If the officer fails to make
timely payment, the county treasurer may collect the payment from the officer by an
action in the treasurer’s name of office and upon the official bond of the officer, with
interest at the rate of 12% per year from the time when it should have been paid.

SECTION 3817. 800.02 (2) (a) 8. of the statutes is amended to read:

800.02 (2) (a) 8. Notice that, if the defendant makes a deposit and fails to
appear in court at the time fixed in the citation, the defendant is deemed to have
tendered a plea of no contest and submits to a forfeiture, penalty assessment, law
enforcement training fund assessment, jail assessment, and crime laboratories and
drug law enforcement assessment, any applicable consumer information protection
assessment, and any applicable domestic abuse assessment plus costs, including the
fee prescribed in s. 814.65 (1), not to exceed the amount of the deposit. The notice
shall also state that the court may decide to summon the defendant rather than
accept the deposit and plea.

SECTION 3818. 800.02 (3) (a) 5. of the statutes is amended to read:

800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
event or occurrence from which the violation arose and showing that the plaintiff is
entitled to relief, the ordinance, resolution or bylaw upon which the cause of action
is based and a demand for a forfeiture, the amount of which shall not exceed the
maximum set by the statute involved, the penalty assessment, the law enforcement
training fund assessment, the jail assessment, the crime laboratories and drug law
enforcement assessment, any applicable consumer information protection
assessment, any applicable domestic abuse assessment, and such other relief that
is sought by the plaintiff.
**SECTION 3819.** 800.03 (3) of the statutes is amended to read:

800.03 (3) The amount of the deposit shall be set by the municipal judge, but shall not be effective until approved by the governing body of the municipality. The amount shall not exceed the maximum penalty for the offense, including any penalty assessment that would be applicable under s. 757.05, any law enforcement training fund assessment that would be applicable under s. 165.87 (1), any jail assessment that would be applicable under s. 302.46 (1), any crime laboratories and drug law enforcement assessment that would be applicable under s. 165.755, any consumer information protection assessment that would be applicable under s. 100.261, and any domestic abuse assessment that would be applicable under s. 973.055 (1), plus court costs, including the fee prescribed in s. 814.65 (1).

**SECTION 3820.** 800.04 (2) (b) of the statutes is amended to read:

800.04 (2) (b) If the municipal judge determines that the defendant should not be released under par. (a) and the defendant is charged with a traffic or boating violation, the municipal judge shall release the defendant on a deposit in the amount established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66. For other violations, the municipal judge shall establish a deposit in an amount not to exceed the maximum penalty for the offense, including any penalty assessment that would be applicable under s. 757.05, any law enforcement training fund assessment that would be applicable under s. 165.87 (1), any jail assessment that would be applicable under s. 302.46 (1), any crime laboratories and drug law enforcement assessment that would be applicable under s. 165.755, any consumer information protection assessment that would be applicable under s. 100.261, and any domestic abuse assessment that would be applicable under s. 973.055 (1). If the judge in a 1st class city determines that a defendant appearing before the judge...
through interactive video and audio transmission should not be released under par. (a), the judge shall inform the defendant that he or she has the right to appear personally before a judge for a determination, not prejudiced by the first appearance, as to whether he or she should be released without a deposit. On failure of the defendant to make a deposit under this paragraph, he or she may be committed to jail pending trial only if the judge finds that there is a reasonable basis to believe the person will not appear in court.

**SECTION 3821.** 800.04 (2) (c) of the statutes is amended to read:

800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03 and does not appear, he or she is deemed to have tendered a plea of no contest and submits to a forfeiture, a penalty assessment imposed by s. 757.05, a law enforcement training fund assessment imposed by s. 165.87 (1), a jail assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the amount of the deposit. The court may either accept the plea of no contest and enter judgment accordingly, or reject the plea and issue a summons. If the court finds that the violation meets the conditions in s. 800.093 (1), the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093. If the defendant fails to appear in response to the summons, the court shall issue a warrant under s. 968.09. If the defendant has made a deposit but does appear, the court shall allow the defendant to withdraw the plea of no contest.

**SECTION 3822.** 800.09 (1) (intro.) of the statutes is amended to read:
800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it may render judgment by ordering restitution under s. 800.093 and payment of a forfeiture, the penalty assessment imposed by s. 757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by s. 165.755, any applicable consumer information protection assessment imposed by s. 100.261, and any applicable domestic abuse assessment imposed by s. 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The court shall apply any payment received on a judgment that includes restitution to first satisfy any payment of restitution ordered, then to pay the forfeiture, assessments, and costs. If the judgment is not paid, the court may proceed under par. (a), (b), or (c) or any combination of those paragraphs, as follows:

SECTION 3823. 800.09 (1) (a) of the statutes is amended to read:

800.09 (1) (a) The court may defer payment of any judgment or provide for instalment payments. At the time the judgment is rendered, the court shall inform the defendant, orally and in writing, of the date by which restitution and the payment of the forfeiture, the penalty assessment, the law enforcement training fund assessment, the jail assessment, the crime laboratories and drug law enforcement assessment, any applicable consumer information protection assessment, and any applicable domestic abuse assessment plus costs must be made, and of the possible consequences of failure to do so in timely fashion, including imprisonment, as provided in s. 800.095, or suspension of the defendant’s motor vehicle operating privilege, as provided in par. (c), if applicable. If the defendant is not present, the court shall ensure that the information is sent to the defendant by
mail. In 1st class cities, all of the written information required by this paragraph
shall be printed in English and Spanish and provided to each defendant.

SECTION 3823. 800.09 (2) (b) of the statutes is amended to read:

800.09 (2) (b) If the person charged fails to appear personally or by an attorney
at the time fixed for hearing of the case, the defendant may be deemed to have
entered a plea of no contest and the money deposited, if any, or such portion thereof
as the court determines to be an adequate penalty, plus the penalty assessment, the
law enforcement training fund assessment, the jail assessment, the crime
laboratories and drug law enforcement assessment, any applicable consumer
information protection assessment, and any applicable domestic abuse assessment
plus costs, including the fee prescribed in s. 814.65 (1), may be declared forfeited by
the court or may be ordered applied upon the payment of any penalty which may be
imposed, together with the penalty assessment, the law enforcement training fund
assessment, the jail assessment, the crime laboratories and drug law enforcement
assessment, any applicable consumer information protection assessment, and any
applicable domestic abuse assessment plus costs. If the court finds that the violation
meets the conditions in s. 800.093 (1), the court may summon the alleged violator into
court to determine if restitution shall be ordered under s. 800.093. Any money
remaining after payment of any penalties, assessments, costs, and restitution shall
be refunded to the person who made the deposit.

SECTION 3825. 800.10 (2) of the statutes is amended to read:

800.10 (2) All forfeitures, fees, penalty assessments, law enforcement training
fund assessments, crime laboratories and drug law enforcement assessments,
consumer information protection assessments, domestic abuse assessments, and
costs paid to a municipal court under a judgment before a municipal judge shall be
paid to the municipal treasurer within 7 days after receipt of the money by a
municipal judge or other court personnel. At the time of the payment, the municipal
judge shall report to the municipal treasurer the title of the action, the offense for
which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty
assessments, law enforcement training fund assessments, crime laboratories and
drug law enforcement assessments, consumer information protection assessments,
domestic abuse assessments, and costs, if any. The treasurer shall disburse the fees
as provided in s. 814.65 (1). All jail assessments paid to a municipal court under a
judgment before a municipal judge shall be paid to the county treasurer within 7
days after receipt of the money by a municipal judge or other court personnel.

SECTION 3826. 800.12 (2) of the statutes is amended to read:

800.12 (2) A municipality may by ordinance provide that a municipal judge
may impose a forfeiture for contempt under sub. (1) in an amount not to exceed $50
or, upon nonpayment of the forfeiture, penalty assessment under s. 757.05, law
enforcement training fund assessment under s. 165.87 (1), jail assessment under s.
302.46, crime laboratories and drug law enforcement assessment under s. 165.755,
any applicable consumer information protection assessment under s. 100.261, and
any applicable domestic abuse assessment under s. 973.055 (1), a jail sentence not
to exceed 7 days.

SECTION 3827. 801.02 (7) (a) 1. of the statutes is repealed.

SECTION 3828. 801.02 (7) (a) 2. (intro.) of the statutes is amended to read:

801.02 (7) (a) 2. (intro.) “Prisoner” means any person who is incarcerated,
imprisoned, or otherwise detained in a correctional institution or who is in the
custody of the department of corrections or of the sheriff, superintendent, or other
keeper of a jail or house of corrections or any person who is arrested or otherwise
detained by a law enforcement officer. “Prisoner” does not include any of the following:

SECTION 3829. 808.075 (4) (fn) 10. of the statutes is created to read:

808.075 (4) (fn) 10. Extension, under s. 938.538 (4m) (a) 2., of a placement under s. 938.538 (3) (a) 1.

SECTION 3830. 813.02 (1) (c) 1. of the statutes is amended to read:

813.02 (1) (c) 1. The court may not issue the injunction until giving notice and an opportunity to be heard on the request for a preliminary injunction to the attorney general, if the case involves a prisoner in a state correctional institution, as defined in s. 801.02 (7) (a) 1., the custody of the department of corrections, or to the attorney representing the local correctional institution involved and to all other interested parties. Any injunction issued without giving notice and an opportunity to be heard is void.

SECTION 3831. 814.60 (2) (ad) of the statutes is created to read:

814.60 (2) (ad) Law enforcement training fund assessment imposed by s. 165.87 (1).

SECTION 3832. 814.60 (2) (ai) of the statutes is amended to read:

814.60 (2) (ai) Consumer information protection assessment imposed by s. 100.261.

SECTION 3833. 814.63 (3) (ad) of the statutes is created to read:

814.63 (3) (ad) Law enforcement training fund assessment imposed by s. 165.87 (1).

SECTION 3834. 814.63 (3) (ai) of the statutes is amended to read:

814.63 (3) (ai) Consumer information protection assessment imposed by s. 100.261.
SECTION 3835. 814.635 (1m) of the statutes is repealed.

SECTION 3836. 814.635 (2) of the statutes is amended to read:

814.635 (2) The clerk shall pay the moneys collected under subs. sub. (1) and (1m) to the county treasurer under s. 59.40 (2) (m). The county treasurer shall pay those moneys to the state treasurer under s. 59.25 (3) (p).

SECTION 3837. 852.01 (3) of the statutes is amended to read:

852.01 (3) ESEAT. If there are no heirs of the decedent under subs. (1) and (2), the net estate escheats to the state to be added to the capital of the school fund. Claims on amounts escheated to the state may be made under s. 863.39 (3) within 10 years after the date of publication under s. 177.18 (2m). If a claimant resides outside the United States or its territories, the court may require the personal appearance of the claimant before the court.

SECTION 3838. 863.37 (2) (a) of the statutes is renumbered 863.37 (2) and amended to read:

863.37 (2) Whenever payment of a legacy or a distributive share cannot be made to the person entitled to payment or it appears that the person may not receive or have the opportunity to obtain payment, the court may, on petition of a person interested or on its own motion, order that the funds be paid or delivered to the state treasurer for deposit as provided under s. 177.23. Claims on the funds may be made under s. 863.39 (3) within 10 years after the date of publication under s. 177.18 (2m). When a claimant to the funds resides outside the United States or its territories the court may require the personal appearance of the claimant before the court.

SECTION 3839. 863.37 (2) (b) of the statutes is repealed.

SECTION 3840. 863.39 (3) (a) of the statutes is amended to read:
863.39 (3) (a) Within 10 years after the date of publication under s. 177.18 (2m), any person claiming any amount deposited under sub. (1) or under s. 852.01 (3) or 863.37 (2) may file in the probate court in which the estate was settled a petition alleging the basis of his or her claim. The court shall order a hearing upon the petition, and 20 days’ notice of the hearing and a copy of the petition shall be given by the claimant to the department of revenue state treasurer and to the attorney general, who may appear for the state at the hearing. If the claim is established it shall be allowed without interest, but including any increment which may have occurred on securities held, and the court shall so certify to the department of administration, which shall audit the claim. The state treasurer shall pay the claim out of the appropriation under s. 20.585 (1) (j). Before issuing the order distributing the estate, the court shall issue an order determining the death tax due, if any. If real property has been adjudged to escheat to the state under s. 852.01 (3) the probate court which made the adjudication may adjudge at any time before title has been transferred from the state that the title shall be transferred to the proper owners under this subsection.

SECTION 3841. 863.39 (3) (b) of the statutes is repealed.

SECTION 3842. 863.39 (3) (bm) of the statutes is created to read:

863.39 (3) (bm) 1. Notwithstanding par. (a), any person claiming an amount deposited under sub. (1) or under s. 852.01 (3) or 863.37 (2) that does not exceed $5,000 may, within 10 years after the date of publication under s. 177.18 (2m), file with the state treasurer a claim on a form prescribed by the state treasurer and verified by the claimant.

2. The state treasurer shall consider each claim within 90 days after it is filed and may refer any claim to the attorney general for an opinion. For each claim
referred, the attorney general shall advise the state treasurer either to allow it or to
deny it in whole or in part. The state treasurer shall give written notice to the
claimant if the claim is denied in whole or in part. The notice shall be given by
mailing it to the last address, if any, stated in the claim as the address of the claimant
to which notices are to be sent. If no address for notices is stated in the claim, the
notice shall be mailed to the last address, if any, stated in the claim as the address
of the claimant. No notice of denial need be given if the claim fails to state either the
last address to which notices are to be sent or the address of the claimant.

3. If the state treasurer determines that the claim should be allowed, the state
treasurer shall provide written notice to, and obtain the written consent of, the
attorney general. The state treasurer shall file with the probate court in which the
estate was settled written notice of the allowed claim, as well as the written consent
of the attorney general. The probate court shall issue an order requiring the state
treasurer to pay the claim. The state treasurer shall pay the claim, without interest
but including any increment that may have occurred on securities held, out of the
appropriation account under s. 20.585 (1) (j).

4. A person aggrieved by a decision of the state treasurer under this paragraph,
or whose claim has not been acted upon by the state treasurer within 90 days after
its filing under subd. 1., may bring an action to establish the claim in the probate
court in which the estate was settled. The action shall be brought within 90 days
after the decision of the state treasurer or within 180 days after the filing of the claim
if the state treasurer has failed to act on it. If the person establishes the claim in the
action, the court shall award the person costs and reasonable attorney fees against
the state treasurer.

**SECTION 3843.** 867.035 (1) (a) (intro.) of the statutes is amended to read:
Except as provided in Subject to par. (bm), the department of health and family services may collect from the property of a decedent, including funds of a decedent that are held by the decedent immediately before death in a joint account or a P.O.D. account, by affidavit under this section sub. (2) or by lien under sub. (2m) an amount equal to the medical assistance that is recoverable under s. 49.496 (3) (a), the long-term community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c) 1., the family care benefit that is recoverable under rules promulgated under s. 46.286 (7), or the aid under s. 49.68, 49.683, or 49.685 that is recoverable under s. 49.682 (2) (a) and that was paid on behalf of the decedent or the decedent’s spouse, if all of the following conditions are satisfied:

Section 3844. 867.035 (1) (a) 1. of the statutes is amended to read:

867.035 (1) (a) 1. No person files a petition for administration or summary settlement or assignment of the decedent’s estate within 20 days of death.

Section 3845. 867.035 (1) (bm) (intro.) of the statutes is amended to read:

867.035 (1) (bm) (intro.) The department of health and family services may not collect by affidavit under this section from any of shall reduce the amount of its recovery under par. (a) by up to the amount specified in s. 861.33 (2) if necessary to allow the decedent’s heirs or beneficiaries under the decedent’s will to retain the following personal property of the decedent:

Section 3846. 867.035 (1) (bm) 1. of the statutes is repealed.

Section 3847. 867.035 (1) (bm) 2. of the statutes is amended to read:

867.035 (1) (bm) 2. Wearing apparel and jewelry held for personal use.

Section 3848. 867.035 (1) (bm) 3. of the statutes is amended to read:

867.035 (1) (bm) 3. Household furniture, furnishings, and appliances.
SECTION 3849. 867.035 (1) (bm) 4. of the statutes is repealed and recreated to read:

867.035 (1) (bm) 4. Other tangible personal property not used in trade, agriculture, or other business, not exceeding in value the amount specified in s. 861.33 (1) (a) 4.

SECTION 3850. 867.035 (2) of the statutes is amended to read:

867.035 (2) A person who possesses property of a decedent shall transmit the property to the department of health and family services, if the conditions in sub. (1) (a) 1. to 4. are satisfied, upon receipt of an affidavit by a person designated by the secretary of health and family services to administer this section showing that the conditions in sub. (1) (a) are satisfied. Department paid on behalf of the decedent or the decedent’s spouse recoverable benefits specified in sub. (1) (a). Upon transmittal, the person is released from any obligation to other creditors or heirs of the decedent.

SECTION 3851. 867.035 (2m) of the statutes is created to read:

867.035 (2m) (a) If the conditions in sub. (1) (a) 1., 2., and 4. are satisfied, the department of health and family services shall have a lien in the amount that it may recover under sub. (1) (a) on any interest in the decedent’s home, as defined in s. 49.496 (1) (b), transferred under s. 867.03 (1g). The department may record the lien in the office of the register of deeds of the county in which the real property is located. The department may enforce the lien by foreclosure in the same manner as a mortgage on real property, unless any of the following is alive:

1. The decedent’s spouse.

2. A child of the decedent if the child is under age 21 or disabled, as defined in s. 49.468 (1) (a) 1.
(b) If the conditions in sub. (1) (a) 1. to 4. are satisfied, the department of health and family services shall have a lien in the amount that it may recover under sub. (1) (a) on any interest in any real property of the decedent transferred under s. 867.03 (1g). The department may record the lien in the office of the register of deeds of the county in which the real property is located and may enforce the lien by foreclosure in the same manner as a mortgage on real property.

**Section 3852.** 885.37 (title) of the statutes is amended to read:

885.37 (title) **Interpreters for persons with language difficulties or hearing or speaking impairments limited English proficiency.**

**Section 3853.** 885.37 (1) of the statutes is renumbered 885.37 (1m), and 885.37 (1m) (b), as renumbered, is amended to read:

885.37 (1m) (b) If a court has notice that a person who fits any of the criteria under par. (a) has a language difficulty because of the inability to speak or understand English, has a hearing impairment, is unable to speak or has a speech defect the court shall make a factual determination of whether the language difficulty or the hearing or speaking impairment is sufficient to prevent the individual from communicating with his or her attorney, reasonably understanding the English testimony or reasonably being understood in English. If the court determines that, limited English proficiency and that an interpreter is necessary, the court shall advise the person that he or she has a right to a qualified interpreter and that, if the person cannot afford one, an interpreter will be provided for him or her at the public's expense. Any waiver of the right to an interpreter is effective only if made voluntarily in person, in open court and on the record.

**Section 3854.** 885.37 (1g) of the statutes is created to read:

885.37 (1g) In this section:
(a) “Limited English proficiency” means any of the following:

1. The inability, because of the use of a language other than English, to adequately understand or communicate effectively in English in a court proceeding.

2. The inability, due to a speech impairment, hearing loss, deafness, deaf-blindness, or other disability, to adequately hear, understand, or communicate effectively in English in a court proceeding.

(b) “Qualified interpreter” means a person who is able to do all of the following:

1. Readily communicate with a person who has limited English proficiency.

2. Orally transfer the meaning of statements to and from English and the language spoken by a person who has limited English proficiency in the context of a court proceeding.

3. Readily and accurately interpret for a person who has limited English proficiency, without omissions or additions, in a manner that conserves the meaning, tone, and style of the original statement, including dialect, slang, and specialized vocabulary.

SECTION 3855. 885.37 (2) of the statutes is amended to read:

885.37 (2) A court may authorize the use of an interpreter in actions or proceedings in addition to those specified in sub. (1) (1m).

SECTION 3856. 885.37 (3) (b) of the statutes is amended to read:

885.37 (3) (b) In any administrative contested case proceeding before a state, county, or municipal agency, if the agency conducting the proceeding has notice that a party to the proceeding has a language difficulty because of the inability to speak or understand English, has a hearing impairment, is unable to speak or has a speech defect, the agency shall make a factual determination of whether the language difficulty or hearing or speaking impairment is sufficient to prevent the party from
1 communicating with others, reasonably understanding the English testimony or
2 reasonably being understood in English. If the agency determines limited English
3 proficiency and that an interpreter is necessary, the agency shall advise the party
4 that he or she has a right to a qualified interpreter. After considering the party’s
5 ability to pay and the other needs of the party, the agency may provide for an
6 interpreter for the party at the public’s expense. Any waiver of the right to an
7 interpreter is effective only if made at the administrative contested case proceeding.

SECTION 3856. 885.37 (3m) of the statutes is amended to read:

885.37 (3m) Any agency may authorize the use of a qualified interpreter in
a contested case proceeding for a person who is not a party but who has a substantial
interest in the proceeding.

SECTION 3857. 885.37 (4) (a) (intro.) of the statutes is amended to read:

885.37 (4) (a) (intro.) The necessary expense of furnishing a qualified interpreter for an indigent person under sub. (1) (1m) or (2) shall be paid as follows:

SECTION 3859. 885.37 (4) (b) of the statutes is amended to read:

885.37 (4) (b) The necessary expense of furnishing a qualified interpreter for an indigent party under sub. (3) shall be paid by the unit of government for which the proceeding is held.

SECTION 3860. 885.37 (5) (a) of the statutes is amended to read:

885.37 (5) (a) If a court under sub. (1) (1m) or (2) or an agency under sub. (3) decides to appoint an interpreter, the court or agency shall follow the applicable procedure under par. (b) or (c).

SECTION 3861. 885.37 (6) to (10) of the statutes are created to read:
885.37 (6) (a) If a person with limited English proficiency requests the assistance of the clerk of circuit courts regarding a legal proceeding, the clerk may provide the assistance of a qualified interpreter to respond to the person’s inquiry.

(b) A qualified interpreter appointed under this section may, with the approval of the court, provide interpreter services outside the court room that are related to the court proceedings, including during court-ordered psychiatric or medical exams or mediation.

(7) (a) A person with limited English proficiency may waive the right to a qualified interpreter at any point in the court proceeding if the court advises the person of the nature and effect of the waiver and determines on the record that the waiver has been made knowingly, intelligently, and voluntarily.

(b) At any point in the court proceeding, for good cause, the person with limited English proficiency may retract his or her waiver and request that a qualified interpreter be appointed.

(c) Any party to a court proceeding may object to the use of any qualified interpreter for good cause. The court may remove a qualified interpreter for good cause.

(8) Every qualified interpreter, before commencing his or her duties in a court proceeding, shall take a sworn oath that he or she will make a true and impartial interpretation. The supreme court may approve a uniform oath for qualified interpreters.

(9) The delay resulting from the need to locate and appoint a qualified interpreter may constitute good cause for the court to toll the time limitations in the court proceeding.
(10) The supreme court shall establish the procedures and policies for the recruitment, training, and testing of persons to act as qualified interpreters in a court proceeding and for the coordination, discipline, and retention of those interpreters.

SECTION 3862. 889.29 (1) of the statutes is amended to read:

889.29 (1) If any business, institution or member of a profession or calling in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, or to be recorded on an optical disk or in electronic format, the original may be destroyed in the regular course of business, unless its preservation is required by law. Such reproduction or optical disk record, when reduced to comprehensible format and when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction of a record or an enlarged copy of a record generated from an original record stored in optical disk or electronic format is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original. This subsection does not apply to records governed by s. 137.20.

SECTION 3863. 895.11 of the statutes is created to read:
895.11 Payments under the tobacco settlement agreement. (1) In this section, “tobacco settlement agreement” means the Attorneys General Master Tobacco Settlement Agreement of November 23, 1998.

(2) The state’s participation in the tobacco settlement agreement is affirmed.

(3) All payments received and to be received by the state under the tobacco settlement agreement are the property of the state, to be used as provided by law, including a sale, assignment, or transfer of the right to receive the payments under s. 16.63. No political subdivision of the state, and no officer or agent of any political subdivision of the state, shall have or seek to maintain any claim related to the tobacco settlement agreement or any claim against any party that was released from liability by the state under the tobacco settlement agreement.

Section 3864. 895.483 (title) of the statutes is amended to read:

895.483 (title) Civil liability exemption; regional and county local emergency response teams and their sponsoring agencies.

Section 3865. 895.483 (2) of the statutes is amended to read:

895.483 (2) A county local emergency response team, a member of such a team and the county, city, village, or town that contracts to provide the emergency response team to the county are immune from civil liability for acts or omissions related to carrying out responsibilities pursuant to a designation under s. 166.21 (2m) (e).

Section 3866. 895.496 of the statutes is created to read:

895.496 Liability exemption; stray voltage. (1) In this section:

(a) “Farmer” and “farm premises” have the meaning given in s. 102.04 (3).

(b) “Public utility” has the meaning given in s. 196.01 (5) (a).

(2) A public utility is immune from liability for any damage caused by or resulting from stray voltage contributed by the public utility if that stray voltage is
below the level of concern established by the public service commission that is in
effect at the time of measurement, as determined using the principles and guidelines
of the public service commission regarding stray voltage screening and diagnostic
procedures that are in effect at the time of measurement. Upon request of any party
to an action for damages related to stray voltage, the public service commission shall
evaluate and testify as to whether the applicable order of the public service
commission was followed in calculating the amount of stray voltage.

**SECTION 3867.** 895.518 of the statutes is created to read:

895.518  **Liability exemption; rails with trails.** (1) In this section, “rails–with–trails trail” means a strip of land that is located partly or fully within an active rail corridor and is identified in an agreement entered into by a railroad that operates within that rail corridor and a person that is sponsoring and maintaining the strip of land for the use of individuals for purposes specified in the agreement.

(2) The owner of property upon which a rails–with–trails trail is located and any railroad that operates within the active rail corridor upon which a rails–with–trails trail is located is immune from civil liability for the death of or injury to an individual or damage to an individual’s property resulting from the individual’s use of a rails–with–trails trail.

(3) The immunity under sub. (2) does not apply if the death, injury, or damage to property was caused by willful or wanton acts or omissions of the property owner or railroad.

**SECTION 3868.** 895.58 (1) (cr) of the statutes is created to read:

895.58 (1) (cr) “Solid waste” has the meaning given in s. 289.01 (33).

**SECTION 3869.** 895.58 (1) (d) of the statutes is amended to read:
895.58 (1) (d) “Special waste” means any type of solid waste that is characterized for beneficial use in public works projects by the department of natural resources for which the department has granted a waiver or an exemption under s. 289.43 (3), (4), (7), or (8) or which is exempt by rule promulgated under s. 289.05 (4).

SECTION 3870. 895.58 (2) of the statutes is amended to read:

895.58 (2) The department may characterize a solid special waste as suitable for beneficial use in public works projects by rule, memorandum of understanding between itself and other state agencies or local governmental units, or on a case-by-case basis. The department shall compile and maintain a list of special wastes that are suitable for use in specified types of public works projects in a format readily available to the general public and only those special wastes may be required by contracting agencies to be used in a public works project. The list may include conditions under which the special waste may be used in the public works project in order for subs. (3) and (4) to be applicable. The list under this subsection is not a rule under s. 227.01 (13).

SECTION 3871. 895.58 (3) of the statutes is amended to read:

895.58 (3) Special waste, when used in a public works project, is not subject to exempt from regulation as solid waste under ch. 289 if all applicable conditions included in the list complied under sub. (2) are met.

SECTION 3872. 905.015 of the statutes is amended to read:

905.015 Interpreters for persons with language difficulties, limited English proficiency, or hearing or speaking impairments. If an interpreter for a person with a language difficulty, limited English proficiency, as defined in s. 885.37 (1g) (a), or a hearing or speaking impairment interprets as an aid to a communication which is privileged by statute, rules adopted by the supreme court,
or the U.S. or state constitution, the interpreter may be prevented from disclosing the communication by any person who has a right to claim the privilege. The interpreter may claim the privilege but only on behalf of the person who has the right. The authority of the interpreter to do so is presumed in the absence of evidence to the contrary.

**SECTION 3873.** 908.08 (1) of the statutes is amended to read:

908.08 (1) In any criminal trial or hearing, juvenile fact-finding hearing under s. 48.31 or 938.31 or revocation hearing under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the court or hearing examiner may admit into evidence the videotaped oral statement of a child who is available to testify, as provided in this section.

**SECTION 3874.** 910.01 (1) of the statutes is amended to read:

910.01 (1) **Writings and recordings.** "Writings" and "recordings" consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation or recording.

**SECTION 3875.** 910.02 of the statutes is amended to read:

**910.02 Requirement of original.** To prove the content of a writing, recording or photograph, the original writing, recording or photograph is required, except as otherwise provided in chs. 901 to 911, s. 137.21, or by other statute.

**SECTION 3876.** 910.03 of the statutes is amended to read:

**910.03 Admissibility of duplicates.** A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in
lieu of the original. This section does not apply to records of transactions governed by s. 137.21.

SECTION 3877. 938.02 (15m) of the statutes is amended to read:

938.02 (15m) "Secured correctional facility" means a correctional institution operated or contracted for by the department of corrections or operated by the department of health and family services for holding in secure custody persons adjudged delinquent. "Secured correctional facility" includes the Mendota juvenile treatment center under s. 46.057, the facility at which the juvenile boot camp program under s. 938.532 is operated and a facility authorized under s. 938.533 (3)(b), 938.538 (4)(b), or 938.539 (5).

SECTION 3878. 938.17 (2) (d) of the statutes is amended to read:

938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal ordinance other than an ordinance enacted under s. 118.163 or an ordinance that conforms to s. 125.07 (4)(a) or (b), 125.085 (3)(b), 125.09 (2), 961.573 (2), 961.574 (2) or 961.575 (2), the court shall enter any of the dispositional orders permitted under s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture imposed by the municipal court, the court may not impose a jail sentence but may suspend any license issued under ch. 29 for not less than 30 days nor more than 5 years, or, unless the forfeiture was imposed for violating an ordinance unrelated to the juvenile’s operation of a motor vehicle, may suspend the juvenile’s operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years. If a court suspends a license or privilege under this section, the court shall immediately take possession of the applicable license and forward it to the department that issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If
the forfeiture is paid during the period of suspension, the court shall immediately
notify the department, which shall thereupon return the license to the person.

SECTION 3879. 938.183 (3) of the statutes is amended to read:

938.183 (3) Except as provided in s. 973.013 (3m), the department shall place
a juvenile under 15 years of age who is subject to a criminal penalty under sub. (1m)
or (2) in a secured correctional facility or a secured child caring institution. When
a juvenile who is subject to a criminal penalty under sub. (1m) or (2) attains the age
of 17 15 years, the department may place the juvenile in a state prison named in s.
302.01. If a juvenile who is subject to a criminal penalty under sub. (1m) or (2) is 15
years of age or over, the department may transfer the juvenile to the Racine youthful
offender correctional facility named in s. 302.01 as provided in s. 938.357 (4) (d). A
juvenile who is subject to a criminal penalty under sub. (1m) or (2) for an act
committed before December 31, 1999, is eligible for parole under s. 304.06.

SECTION 3880. 938.185 (2) of the statutes is amended to read:

938.185 (2) Venue for any proceeding under s. 938.363 or
938.365, or 938.538
(4m) (a) 2. shall be in the county where the dispositional order was issued, unless the
juvenile’s county of residence has changed, or the parent of the juvenile has resided
in a different county of this state for 6 months. In either case, the court may, upon
a motion and for good cause shown, transfer the case, along with all appropriate
records, to the county of residence of the juvenile or parent.

SECTION 3881. 938.19 (1) (d) 6. of the statutes is amended to read:

938.19 (1) (d) 6. The juvenile has violated the terms a condition of
court-ordered supervision or aftercare supervision administered by the department
or a county department, a condition of the juvenile’s placement in a Type 2 secured
correctional facility or a Type 2 child caring institution, or a condition of the juvenile's participation in the intensive supervision program under s. 938.534.

SECTION 3882. 938.20 (2) (cm) of the statutes is amended to read:

938.20 (2) (cm) If the juvenile has violated the terms a condition of aftercare supervision administered by the department or a county department, a condition of the juvenile's placement in a Type 2 secured correctional facility or a Type 2 child caring institution, or a condition of the juvenile's participation in the intensive supervision program under s. 938.534, the person who took the juvenile into custody may release the juvenile to the department or county department, whichever has aftercare supervision over the juvenile.

SECTION 3883. 938.20 (7) (c) 1m. of the statutes is amended to read:

938.20 (7) (c) 1m. In the case of a juvenile who has violated the terms a condition of aftercare supervision administered by the department or a county department, a condition of the juvenile’s placement in a Type 2 secured correctional facility or a Type 2 child caring institution, or a condition of the juvenile's participation in the intensive supervision program under s. 938.534, to the department or county department, whichever has aftercare supervision of the juvenile.

SECTION 3884. 938.20 (8) of the statutes is amended to read:

938.20 (8) If a juvenile is held in custody, the intake worker shall notify the juvenile's parent, guardian, and legal custodian of the reasons for holding the juvenile in custody and of the juvenile's whereabouts unless there is reason to believe that notice would present imminent danger to the juvenile. If a juvenile who has violated the terms a condition of aftercare supervision administered by the department or a county department, a condition of the juvenile’s placement in a Type
2 secured correctional facility or a Type 2 child caring institution, or a condition of
the juvenile’s participation in the intensive supervision program under s. 938.534 is
held in custody, the intake worker shall also notify the department or county
department, whichever has supervision over the juvenile, of the reasons for holding
the juvenile in custody, of the juvenile’s whereabouts, and of the time and place of the
detention hearing required under s. 938.21. The parent, guardian, and legal
custodian shall also be notified of the time and place of the detention hearing
required under s. 938.21, the nature and possible consequences of that hearing, and
the right to present and cross-examine witnesses at the hearing. If the parent,
guardian, or legal custodian is not immediately available, the intake worker or
another person designated by the court shall provide notice as soon as possible.
When the juvenile is alleged to have committed a delinquent act, the juvenile shall
receive the same notice about the detention hearing as the parent, guardian, or legal
custodian. The intake worker shall notify both the juvenile and the juvenile’s parent,
guardian, or legal custodian.

SECTION 3885. 938.205 (1) (c) of the statutes is amended to read:

938.205 (1) (c) That the juvenile will run away or be taken away so as to be unavailable for proceedings of the court or its officers or, proceedings of the division of hearings and appeals in the department of administration for revocation of aftermath supervision, or action by the department or county department relating to a violation of a condition of the juvenile's placement in a Type 2 secured correctional facility or a Type 2 child caring institution or a condition of the juvenile's participation in the intensive supervision program under s. 938.534.

SECTION 3886. 938.208 (1) (intro.) of the statutes is amended to read:
938.208 (1) (intro.) Probable cause exists to believe that the juvenile has
committed a delinquent act and either presents a substantial risk of physical harm
to another person or a substantial risk of running away so as to be unavailable for
a court hearing or, a revocation hearing for juveniles on of aftercare supervision
hearing, or action by the department relating to a violation of a condition of the
juvenile's placement in a Type 2 secured correctional facility or a Type 2 child caring
institution or a condition of the juvenile's participation in the intensive supervision
program under s. 938.534. For juveniles who have been adjudged delinquent, the
delinquent act referred to in this section may be the act for which the juvenile was
adjudged delinquent. If the intake worker determines that any of the following
conditions applies, the juvenile is considered to present a substantial risk of physical
harm to another person:

SECTION 3887. 938.21 (5) (b) of the statutes is renumbered 938.21 (5) (b) (intro.)
and amended to read:

938.21 (5) (b) (intro.) An order relating to a juvenile held in custody outside of
his or her home shall also describe include all of the following:

1. A description of any efforts that were made to permit the juvenile to remain
at home and the services that are needed to ensure the juvenile’s well-being, to
enable the juvenile to return safely to his or her home, and to involve the parents in
planning for the juvenile.

SECTION 3888. 938.21 (5) (b) 2. of the statutes is created to read:

938.21 (5) (b) 2. If the juvenile is held in custody outside the home in a
placement recommended by the intake worker, a statement that the court approves
the placement recommended by the intake worker or, if the juvenile is placed outside
the home in a placement other than a placement recommended by the intake worker,
a statement that the court has given bona fide consideration to the recommendations
made by the intake worker and all parties relating to the placement of the juvenile.

Section 3889. 938.237 (2) of the statutes is amended to read:

938.237 (2) The procedures for issuance and filing of a citation, and for
forfeitures, stipulations and deposits in ss. 23.50 to 23.67, 23.75 (3) and (4), 66.0113
[s. 66.0114], 778.25, 778.26, and 800.01 to 800.04 except s. 800.04 (2) (b), when the
citation is issued by a law enforcement officer, shall be used as appropriate, except
that this chapter shall govern taking and holding a juvenile in custody, s. 938.37 shall
govern costs, penalty assessments, law enforcement training fund assessments, and
jail assessments, and a capias shall be substituted for an arrest warrant. Sections
66.0113 (3) (c) and (d), 66.0317 (1) [s. 66.0114 (1)] and 778.10 as they relate to
collection of forfeitures do not apply.

Section 3890. 938.315 (1) (h) of the statutes is created to read:

938.315 (1) (h) Any period of delay resulting from the need to appoint a
qualified interpreter.

Section 3891. 938.33 (4) (intro.) of the statutes is amended to read:

938.33 (4) Other out-of-home placements. (intro.) A report recommending
placement in a foster home, treatment foster home, group home, or nonsecured child
caring institution or in the home of the juvenile’s guardian under s. 48.977 (2) shall
be in writing, except that the report may be presented orally at the dispositional
hearing if all parties consent. A report that is presented orally shall be transcribed
and made a part of the court record. The report shall include all of the following:

Section 3892. 938.34 (4n) (intro.) of the statutes is amended to read:

938.34 (4n) Aftercare supervision. (intro.) Subject to s. 938.532 (3) and to any
arrangement between the department and a county department regarding the
provision of aftercare supervision for juveniles who have been released from a
secured correctional facility, a secured child caring institution, or a secured group
home, designate one of the following to provide aftercare supervision for the juvenile
following the juvenile’s release from the secured correctional facility, secured child
caring institution, or secured group home:

SECTION 3892. 938.34 (5m) of the statutes is amended to read:

938.34 (5m) COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to
participate in a youth corps program, as defined in s. 16.22 106.22 (1) (dm), or
another community service work program, if the sponsor of the program approves
the juvenile’s participation in the program.

SECTION 3893. 938.34 (8) of the statutes, as affected by 1999 Wisconsin Act 185,
is amended to read:

938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
maximum forfeiture that the court may impose under this subsection for a violation
by a juvenile is the maximum amount of the fine that may be imposed on an adult
for committing that violation or, if the violation is applicable only to a person under
18 years of age, $100. Any such order shall include a finding that the juvenile alone
is financially able to pay the forfeiture and shall allow up to 12 months for payment.
If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
other alternatives under this section, in accordance with the conditions specified in
this chapter; or the court may suspend any license issued under ch. 29 for not less
than 30 days nor more than 5 years, or, unless the forfeiture was imposed for
violating an ordinance unrelated to the juvenile’s operation of a motor vehicle, may
suspend the juvenile’s operating privilege, as defined in s. 340.01 (40), for not more
than 2 years. If the court suspends any license under this subsection, the clerk of the court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with a notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the suspension shall be reduced to the time period which has already elapsed and the court shall immediately notify the department which shall then return the license to the juvenile. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

Section 3895. 938.343 (2) of the statutes, as affected by 1999 Wisconsin Act 185, is amended to read:

938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may be imposed on an adult for committing that violation or, if the violation is only applicable to a person under 18 years of age, $50. Any such order shall include a finding that the juvenile alone is financially able to pay and shall allow up to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may suspend any license issued under ch. 29 or, unless the forfeiture was imposed for violating an ordinance unrelated to the juvenile's operation of a motor vehicle, may suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 2 years. The court shall immediately take possession of the suspended license and forward it to the department which issued the license, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the period of suspension, the court shall immediately notify the department, which will thereupon
return the license to the person. Any recovery under this subsection shall be reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

SECTION 3896. 938.345 (4) of the statutes is created to read:

938.345 (4) If the court finds that a juvenile is in need of protection or services under s. 938.13 (4), the court, instead of or in addition to any other disposition imposed under sub. (1), may place the juvenile in the home of the juvenile’s guardian under s. 48.977 (2).

SECTION 3897. 938.355 (2) (b) 6m. of the statutes is created to read:

938.355 (2) (b) 6m. If the juvenile is placed outside the home in a placement recommended by the agency designated under s. 938.33 (1), a statement that the court approves the placement recommended by the agency or, if the juvenile is placed outside the home in a placement other than a placement recommended by that agency, a statement that the court has given bona fide consideration to the recommendations made by the agency and all parties relating to the juvenile’s placement.

SECTION 3898. 938.355 (6d) (a) 4. of the statutes is created to read:

938.355 (6d) (a) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile who has been adjudged delinquent and who has violated a condition specified in sub. (2) (b) 7. from being taken into and held in custody under ss. 938.19 to 938.21.

SECTION 3899. 938.355 (6d) (b) 4. of the statutes is created to read:

938.355 (6d) (b) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile who has violated a condition of aftercare supervision administered by a county department from being taken into and held in custody under ss. 938.19 to 938.21.

SECTION 3900. 938.355 (6d) (c) 4. of the statutes is created to read:
938.355 (6d) (c) 4. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile who has been found to be in need of protection or services and who has violated a condition specified in sub. (2) (b) 7. from being taken into and held in custody under ss. 938.19 to 938.21.

**SECTION 3901.** 938.357 (2v) of the statutes is created to read:

938.357 (2v) If a hearing is held under sub. (1) or (2m) and the change in placement would place the juvenile outside the home in a placement recommended by the person or agency primarily responsible for implementing the dispositional order, the change in placement order shall include a statement that the court approves the placement recommended by the person or agency or, if the juvenile is placed outside the home in a placement other than a placement recommended by that person or agency, a statement that the court has given bona fide consideration to the recommendations made by that person or agency and all parties relating to the juvenile’s placement.

**SECTION 3902.** 938.357 (4) (b) 2. of the statutes is amended to read:

938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child caring institution under s. 938.34 (4d) violates a condition of his or her placement in the Type 2 child caring institution, the child welfare agency operating the Type 2 child caring institution shall notify the county department that has supervision over the juvenile and, if the county department agrees to a change in placement under this subdivision, the child welfare agency shall notify the department and the department, after consulting with the child welfare agency, may place the juvenile in a Type 1 secured correctional facility under the supervision of the department, without a hearing under sub. (1), for not more than 10 days. If a juvenile is placed in a Type 1 secured correctional facility under this subdivision, the county
department that has supervision over the juvenile shall reimburse the child welfare
agency operating the Type 2 child caring institution in which the juvenile was placed
at the rate established under s. 46.037, and that child welfare agency shall reimburse
the department at the rate specified in s. 301.26 (4) (d) 2., 3. or 4., whichever is
applicable, for the cost of the juvenile's care while placed in a Type 1 secured
correctional facility.

SECTION 3903. 938.357 (4) (d) of the statutes is repealed.

SECTION 3904. 938.37 (3) of the statutes is amended to read:

938.37 (3) Notwithstanding sub. (1), courts of civil and criminal jurisdiction
exercising jurisdiction under s. 938.17 may assess the same costs, penalty
assessments, law enforcement training fund assessments, and jail assessments
against juveniles as they may assess against adults, except that witness fees may not
be charged to the juvenile.

SECTION 3905. 938.38 (2) (intro.) of the statutes is amended to read:

938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
for each juvenile living in a foster home, treatment foster home, group home, child
caring institution, secure detention facility, or shelter care facility or in the home of
a relative, the agency that placed the juvenile or arranged the placement or the
agency assigned primary responsibility for providing services to the juvenile under
s. 938.355 shall prepare a written permanency plan, if any of the following conditions
exists:

SECTION 3906. 938.38 (4) (f) (intro.) of the statutes is amended to read:

938.38 (4) (f) (intro.) The services that will be provided to the juvenile, the
juvenile's family, and the juvenile's foster parent, the juvenile's treatment foster
parent or the operator of the facility where the juvenile is living, or the relative with
whom the juvenile is living to carry out the dispositional order, including services
planned to accomplish all of the following:

**SECTION 3907.** 938.38 (5) (a) of the statutes is amended to read:

938.38 (5) (a) The court or a panel appointed under this paragraph shall review
the permanency plan every 6 months from the date on which the juvenile was first
held in physical custody or placed outside of his or her home under a court order. If
the court elects not to review the permanency plan, the court shall appoint a panel
to review the permanency plan. The panel shall consist of 3 persons who are either
designated by an independent agency that has been approved by the chief judge of
the judicial administrative district or designated by the agency that prepared the
permanency plan. A voting majority of persons on each panel shall be persons who
are not employed by the agency that prepared the permanency plan and who are not
responsible for providing services to the juvenile or the parents of the juvenile whose
permanency plan is the subject of the review.

**SECTION 3908.** 938.38 (5) (b) of the statutes is amended to read:

938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,
the juvenile if he or she is 10 years of age or older, and the juvenile’s foster parent,
the juvenile’s treatment foster parent or, the operator of the facility in which the
juvenile is living, or the relative with whom the juvenile is living of the date, time,
and place of the review, of the issues to be determined as part of the review, and of
the fact that they may have an opportunity to be heard at the review by submitting
written comments not less than 10 working days before the review or by
participating at the review. The court or agency shall notify the person representing
the interests of the public, the juvenile’s counsel, and the juvenile’s guardian ad litem
of the date of the review, of the issues to be determined as part of the review, and of
the fact that they may submit written comments not less than 10 working days before
the review. The notices under this paragraph shall be provided in writing not less
than 30 days before the review and copies of the notices shall be filed in the juvenile’s
case record.

SECTION 3909. 938.532 (title) of the statutes is repealed.

SECTION 3910. 938.532 (1) of the statutes is amended to read:

938.532 (1) Program. From the appropriations appropriation under s. 20.410
(3) (bb) and (hm), the department shall provide a juvenile boot camp program for
juveniles who have been placed under the supervision of the department under s.
938.183, 938.34 (4h) or (4m), or 938.357 (4).

SECTION 3911. 938.532 (1) of the statutes, as affected by 2001 Wisconsin Act
.... (this act), is repealed.

SECTION 3912. 938.532 (2) of the statutes is repealed.

SECTION 3913. 938.532 (3) of the statutes is repealed.

SECTION 3914. 938.533 (2) of the statutes is amended to read:

938.533 (2) Corrective sanctions program. From the appropriation under s.
20.410 (3) (hr), the department shall provide a corrective sanctions program to serve
an average daily population of 136 juveniles, or an average daily population of more
than 136 juveniles if the appropriation under s. 20.410 (3) (hr) is supplemented
under s. 13.101 or 16.515 and the positions for the program are increased under s.
13.101 or 16.505 (2) or if funding and positions to serve more than that average daily
population are otherwise available, in not less than 3 counties, including Milwaukee
County. The office of juvenile offender review in the department shall evaluate and
select for participation in the program juveniles who have been placed under the
supervision of the department under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4).
The department shall place a program participant in the community, provide
intensive surveillance of that participant, and provide an average of not more than
$3,000 per year per slot to purchase community-based treatment services for each
participant. The department shall make the intensive surveillance required under
this subsection available 24 hours a day, 7 days a week, and may purchase or provide
electronic monitoring for the intensive surveillance of program participants. The
department shall provide a report center in Milwaukee County to provide on-site
programming after school and in the evening for juveniles from Milwaukee County
who are placed in the corrective sanctions program. A contact worker providing
services under the program shall have a case load of approximately 10 juveniles and,
during the initial phase of placement in the community under the program of a
juvenile who is assigned to that contact worker, shall have not less than one
face-to-face contact per day with that juvenile. Case management services under
the program shall be provided by a corrective sanctions agent who shall have a case
load of approximately 15 juveniles. The department shall promulgate rules to
implement the program.

SECTION 3915. 938.533 (3) (a) of the statutes is amended to read:

938.533 (3) (a) A participant in the corrective sanctions program remains
under the supervision of the department, remains subject to the rules and discipline
of that department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that
juvenile’s participation in the corrective sanctions program the department may,
without a hearing, take the juvenile into custody and place the juvenile in a secured
detention facility or return the juvenile to placement in a Type 1 secured correctional
facility or a secured child caring institution. This paragraph does not preclude a
Juvenile who has violated a condition of the juvenile's participation in the corrective
sanctions program from being taken into and held in custody under ss. 938.19 to
938.21.

Section 3916. 938.534 (1) (b) 3m. of the statutes is created to read:

938.534 (1) (b) 3m. Subject to par. (d), subds. 1. and 2. do not preclude a juvenile
who has violated a condition of the juvenile's participation in the program from being
taken into and held in custody under ss. 938.19 to 938.21.

Section 3917. 938.538 (3) (a) 1. of the statutes is amended to read:

938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured
correctional facility, or a secured child caring institution or, if the participant is 17
years of age or over or 15 years of age or over and transferred under s. 938.357 (4)
d, a Type 1 prison, as defined in s. 301.01 (5), for a period of not more than 3 years,
unless that period is extended under sub. (4m) (a) 1. or 2. or both.

Section 3918. 938.538 (3) (a) 1m. of the statutes is amended to read:

938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for
committing an act that would be a Class A felony if committed by an adult, placement
in a Type 1 secured correctional facility, or a secured child caring institution or, if the
participant is 17 years of age or over or 15 years of age or over and transferred under
s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), until the participant
reaches 25 years of age, unless the participant is released sooner, subject to a
mandatory minimum period of confinement of not less than one year.

Section 3919. 938.538 (3) (a) 2. of the statutes is amended to read:

938.538 (3) (a) 2. Intensive or other field supervision, including corrective
sanctions supervision under s. 938.533, or aftercare supervision or, if the participant
is 17 years of age or over, intensive sanctions supervision under s. 301.048.
SECTION 3920. 938.538 (3) (b) of the statutes is amended to read:

938.538 (3) (b) The department may provide the sanctions under par. (a) in any order, may provide more than one sanction at a time and, may return a participant to a sanction that was used previously for the participant, and, in returning a participant to the sanction provided in par. (a) 1., may extend the period specified in par. (a) 1. as provided in sub. (4m) (a) 1. or petition the court to extend that period as provided in sub. (4m) (a) 2., or both. Notwithstanding ss. 938.357, 938.363, and 938.533 (3), but subject to sub. (4m) (a) 2., a participant is not entitled to a hearing regarding the department’s exercise of authority under this subsection unless the department provides for a hearing by rule.

SECTION 3921. 938.538 (4) (a) of the statutes is amended to read:

938.538 (4) (a) A participant in the serious juvenile offender program is under the supervision and control of the department, is subject to the rules and discipline of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a). Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2 secured correctional facility the department may, without a hearing, take the participant into custody and return him or her to placement in a Type 1 secured correctional facility, or a secured child caring institution or, if the participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any intentional failure of a participant to remain within the extended limits of his or her placement while participating in the serious juvenile offender program or to return within the time prescribed by the administrator of the division of intensive sanctions in the department is considered an escape under s. 946.42 (3) (c).
SECTION 3922. 938.538 (4) (a) of the statutes, as affected by 2001 Wisconsin Act
.... (this act), is amended to read:

938.538 (4) (a) A participant in the serious juvenile offender program is under
the supervision and control of the department, is subject to the rules and discipline
of the department, and is considered to be in custody, as defined in s. 946.42 (1) (a).
Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
secured correctional facility the department may, without a hearing, take the
participant into custody and return him or her to placement in a Type 1 secured
correctional facility or a secured child caring institution. Any intentional failure of
a participant to remain within the extended limits of his or her placement while
participating in the serious juvenile offender program is considered an escape under
s. 946.42 (3) (c).  This paragraph does not preclude a juvenile who has violated a
condition of the juvenile’s participation in the program under sub. (3) (a) 2. to 9. from
being taken into and held in custody under ss. 938.19 to 938.21.

SECTION 3923. 938.538 (4m) of the statutes is created to read:

938.538 (4m) EXTENSION OF TYPE 1 PLACEMENT PERIOD. (a) 1. The department
may extend the period for which a participant may be placed as described in sub. (3)
(a) 1. for an additional period of not more than 30 days. A participant is not entitled
to a hearing regarding the department’s exercise of authority under this subdivision
unless the department provides for a hearing by rule.

2. The department or the district attorney of the county in which the
dispositional order was entered may petition the court to extend the period for which
a participant may be placed as described in sub. (3) (a) 1. for an additional period of
not more than 2 years. The petition shall set forth in detail facts showing that the
participant is in need of the supervision, care, and rehabilitation that a placement described in sub. (3) (a) 1. provides and that public safety considerations require that the participant be placed in that placement. The court shall hold a hearing on the petition, unless written waivers of objection to the extension are signed by all parties entitled to receive notice and the court approves. If a hearing is held, the court shall provide notice of the hearing, together with a copy of the petition, to the participant, the participant’s parent, guardian, and legal custodian, all parties bound by the dispositional order, and the district attorney of the county in which the dispositional order was entered at least 3 days prior to the hearing and, at the hearing, any of those persons may present evidence relevant to the issue of extension and make alternative placement recommendations. If the court finds by a preponderance of the evidence that the participant is in need of the supervision, care, and rehabilitation that a placement described in sub. (3) (a) 1. provides and that public safety considerations require that the participant be placed in that placement, the court may extend the period for which the participant may be placed as described in sub (3) (a) 1. for an additional period of not more than 2 years.

3. An extension of a participant’s placement under subd. 1. does not preclude an extension of that participant’s placement under subd. 2., and vice versa.

(b) By the first day of the 2nd month beginning after the effective date of this paragraph .... [revisor inserts date], the department shall provide notice to all participants in the serious juvenile offender program that a placement under sub. (3) (a) 1. may be extended under par. (a) 1. or 2. or both. Notwithstanding par. (a) 1. and 2. and sub. (3) (a) 1., the department may not extend, or petition the court to extend, the placement under sub. (3) (a) 1. of a juvenile who is a participant in the serious juvenile offender program on the effective date of this paragraph .... [revisor
inserts date], based on acts committed by that participant prior to the date on which
the notice under this paragraph is given to that participant.

**SECTION 3924.** 938.538 (5) (c) of the statutes is amended to read:

938.538 (5) (c) Sections 938.357 and 938.363 do not apply to changes of
placement and revisions of orders for a juvenile who is a participant in the serious
juvenile offender program, except that s. 938.357 (4) (d) applies to the transfer of a
participant to the Racine youthful offender correctional facility named in s. 302.01.

**SECTION 3925.** 938.538 (6) of the statutes is amended to read:

938.538 (6) PURCHASE OF SERVICES. The department of corrections may contract
with the department of health and family services, a county department, or any
public or private agency for the purchase of goods, care, and services for participants
in the serious juvenile offender program. The department of corrections shall
reimburse a person from whom it purchases goods, care, or services under this
subsection from the appropriation under s. 20.410 (3) (cg) or, if the person for whom
the goods, care or services are purchased is placed in a Type 1 prison, as defined s.
301.01 (5), or is under intensive sanctions supervision under s. 301.048, from the
appropriate appropriation under s. 20.410 (1).

**SECTION 3926.** 938.539 (3) of the statutes is amended to read:

938.539 (3) Notwithstanding ss. 938.19 to 938.21, if a juvenile placed in a
Type 2 child caring institution under s. 938.34 (4d) or 938.357 (4) (c) or in a Type 2
secured correctional facility under s. 938.357 (4) (a) or (c) violates a condition of his
or her placement in the Type 2 child caring institution or Type 2 secured correctional
facility, the juvenile may be placed in a Type 1 secured correctional facility as
provided in s. 938.357 (4) (b). This subsection does not preclude a juvenile who has
violated a condition of the juvenile's placement in a Type 2 secured correctional
facility or a Type 2 child caring institution from being taken into and held in custody
under ss. 938.19 to 938.21.

SECTION 3927. 938.57 (1) (c) of the statutes is amended to read:

938.57 (1) (c) Provide appropriate protection and services for juveniles in its
care, including providing services for juveniles and their families in their own homes,
placing the juveniles in licensed foster homes, licensed treatment foster homes, or
licensed group homes in this state or another state within a reasonable proximity to
the agency with legal custody, placing the juveniles in the homes of the juveniles’
guardians under s. 48.977 (2), or contracting for services for them by licensed child
welfare agencies or replacing them in secured correctional facilities, secured child
caring institutions, or secured group homes in accordance with rules promulgated
under ch. 227, except that the county department may not purchase the educational
component of private day treatment programs unless the county department, the
school board, as defined in s. 115.001 (7), and the state superintendent of public
instruction all determine that an appropriate public education program is not
available. Disputes between the county department and the school district shall be
resolved by the state superintendent of public instruction.

SECTION 3928. 938.57 (3) (a) 4. of the statutes is amended to read:

938.57 (3) (a) 4. Is living in a foster home, treatment foster home, group home,
or child caring institution or in the home of a subsidized guardian under s. 48.62 (5).

SECTION 3929. 938.992 (3) of the statutes is amended to read:

938.992 (3) Notwithstanding s. 938.991 (3) (b), “delinquent juvenile” does not
include a person subject to an order under s. 48.366 who is confined to a state prison
under s. 302.01 or a person subject to an order under s. 938.34 (4b) who is 17 years
of age or over.
SECTION 3930. 939.32 (1) (title) of the statutes is created to read:

939.32 (1) (title) GENERALLY.

SECTION 3931. 939.32 (1m) of the statutes is created to read:

939.32 (1m) BIFURCATED SENTENCES. (a) Subject to s. 973.01 (2) (d), if the court imposes a bifurcated sentence under s. 973.01 (1) for an attempt to commit a crime that is punishable under sub. (1) (intro.), the following requirements apply:

1. If the completed crime is a classified felony, the maximum term of confinement in prison is one-half of the maximum term of confinement in prison for the classified felony.

2. If the completed crime is not a classified felony, the maximum term of confinement is 75% of the maximum term of imprisonment under sub. (1) (intro.) for an attempt to commit the crime.

(b) Subject to s. 973.01 (2) (d), the maximum term of confinement in prison specified under par. (a) may be increased under s. 939.62 (1) or 961.48. If the maximum term of confinement in prison specified in par. (a) is increased under this paragraph, the maximum term of imprisonment under sub. (1) is increased by the same amount.

SECTION 3932. 939.32 (2) (title) of the statutes is created to read:

939.32 (2) (title) MISDEMEANOR COMPUTER CRIMES.

SECTION 3933. 939.32 (3) (title) of the statutes is created to read:

939.32 (3) (title) REQUIREMENTS.

SECTION 3934. 939.74 (1) of the statutes is amended to read:

939.74 (1) Except as provided in sub. subs. (2), and (2d) and s. 946.88 (1), prosecution for a felony must be commenced within 6 years and prosecution for a misdemeanor or for adultery within 3 years after the commission thereof. Within the
meaning of this section, a prosecution has commenced when a warrant or summons
is issued, an indictment is found, or an information is filed.

**SECTION 3935.** 939.74 (2) (c) of the statutes is amended to read:

939.74 (2) (c) A prosecution for violation of s. 948.02, 948.025, 948.03 (2) (a),
948.05, 948.06, 948.07 (1), (2), (3), or (4), 948.08, or 948.095 shall be commenced
before the victim reaches the age of 31 years or be barred, except as provided in sub.

(2d) (c).

**SECTION 3936.** 939.74 (2d) of the statutes is created to read:

939.74 (2d) (a) In this subsection, “deoxyribonucleic acid profile” means any
analysis of deoxyribonucleic acid that results in the identification of an individual’s
patterned chemical structure of genetic information.

(b) If the state has evidence of a deoxyribonucleic acid profile of a person who
committed a violation of s. 940.225 (1) or (2), the evidence was collected before the
time limitation under sub. (1) expired, and comparisons of the evidence to
deoxyribonucleic acid profiles of known persons made before the time limitation
expired did not result in a probable identification of the person, the state may
commence prosecution of the person within 12 months after comparison of the
deoxyribonucleic evidence relating to the violation results in a probable
identification of the person.

(c) If the state has evidence of a deoxyribonucleic acid profile of a person who
committed a violation of s. 948.02 (1) or (2) or 948.025, the evidence was collected
before the time limitation under sub. (2) (c) expired, and comparisons of the evidence
to deoxyribonucleic acid profiles of known persons made before the time limits
expired did not result in a probable identification of the person, the state may
commence prosecution of the person within 12 months after comparison of the
deoxyribonucleic evidence relating to the violation results in a probable
identification of the person.

SECTION 3937. 940.09 (1d) (a) of the statutes, as created by 1999 Wisconsin Act
109, is amended to read:

940.09 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)
or (d) has one or more prior convictions, suspensions or revocations, counting
convictions under this section and s. 940.09 (1) in the person’s lifetime plus other
convictions, suspensions or revocations counted under s. 343.307 (1), the procedure
under s. 343.301 shall be followed if the court orders the equipping of a motor
vehicle owned by the person with an ignition interlock device or the immobilization
of the motor vehicle.

SECTION 3938. 940.25 (1d) (a) of the statutes, as affected by 1999 Wisconsin Act
186, is amended to read:

940.25 (1d) (a) If a person who committed an offense under sub. (1) (a), (b), (c)
or (d) has one or more prior convictions, suspensions or revocations, counting
convictions under this section and s. 940.09 (1) in the person’s lifetime plus other
convictions, suspensions or revocations counted under s. 343.307 (1), the procedure
under s. 343.301 shall be followed if the court orders the equipping of a motor vehicle
owned by the person with an ignition interlock device or the immobilization of the
motor vehicle.

SECTION 3939. 943.20 (1) (e) of the statutes is amended to read:

943.20 (1) (e) Intentionally fails to return any personal property which is in his
or her possession or under his or her control by virtue of a written lease or written
rental agreement, within 10 days after the lease or rental agreement has expired.

This paragraph does not apply to a person who returns personal property, except a
motor vehicle, which is in his or her possession or under his or her control by virtue
of a written lease or written rental agreement, within 10 days after the lease or rental
agreement expires.

**SECTION 3940.** 943.70 (1) (a) of the statutes is renumbered 943.70 (1) (am).

**SECTION 3941.** 943.70 (1) (ag) of the statutes is created to read:
943.70 (1) (ag) “Access” means to instruct, communicate with, interact with,
intercept, store data in, retrieve data from, or otherwise use the resources of.

**SECTION 3942.** 943.70 (1) (gm) of the statutes is created to read:
943.70 (1) (gm) “Interruption in service” means inability to access a computer,
computer program, computer system, or computer network, or an inability to
complete a transaction involving a computer.

**SECTION 3943.** 943.70 (2) (a) (intro.) of the statutes is amended to read:
943.70 (2) (a) (intro.) Whoever willfully, knowingly and without
authorization does any of the following may be penalized as provided in pars. (b)
and (c):

**SECTION 3944.** 943.70 (2) (a) 3. of the statutes is amended to read:
943.70 (2) (a) 3. Accesses data, computer programs or supporting
documentation.

**SECTION 3945.** 943.70 (2) (am) of the statutes is created to read:
943.70 (2) (am) Whoever intentionally causes an interruption in service by
submitting a message, or multiple messages, to a computer, computer program,
computer system, or computer network that exceeds the processing capacity of the
computer, computer program, computer system, or computer network may be
penalized as provided in pars. (b) and (c).

**SECTION 3946.** 943.70 (2) (b) (intro.) of the statutes is amended to read:
943.70 (2) (b) (intro.) Whoever violates this subsection par. (a) or (am) is guilty of:

**SECTION 3947.** 943.70 (2) (b) 1. of the statutes is amended to read:

943.70 (2) (b) 1. A Class A misdemeanor unless subd. any of subds. 2., 3. or to 4. applies.

**SECTION 3948.** 943.70 (2) (b) 3. of the statutes is amended to read:

943.70 (2) (b) 3. A Class D E felony if the offense results in damage is greater valued at more than $1,000 but not more than $2,500 or if it causes an interruption or impairment of governmental operations or public communication, or transportation or of a supply of water, gas or other public service.

**SECTION 3949.** 943.70 (2) (b) 3g. of the statutes is created to read:

943.70 (2) (b) 3g. A Class C felony if the offense results in damage valued at more than $2,500.

**SECTION 3950.** 943.70 (2) (b) 3r. of the statutes is created to read:

943.70 (2) (b) 3r. A Class C felony if the offense causes an interruption or impairment of governmental operations or public communication, of transportation, or of a supply of water, gas, or other public service.

**SECTION 3951.** 943.70 (2) (c) of the statutes is created to read:

943.70 (2) (c) If a person disguises the identity or location of the computer at which he or she is working while committing an offense under par. (a) or (am) with the intent to make it less likely that he or she will be identified with the crime, the penalties under par. (b) may be increased as follows:

1. In the case of a misdemeanor, the maximum fine prescribed by law for the crime may be increased by not more than $1,000 and the maximum term of
imprisonment prescribed by law for the crime may be increased so that the revised
maximum term of imprisonment is 12 months.

2. In the case of a felony, the maximum fine prescribed by law for the crime may
be increased by not more than $2,500 and the maximum term of imprisonment
prescribed by law for the crime may be increased by not more than 2 years.

SECTION 3952. 944.205 (title) of the statutes is amended to read:

944.205 (title) Photographs, motion pictures, videotapes or other
visual representations Recordings showing nudity.

SECTION 3953. 944.205 (1) of the statutes is renumbered 944.205 (1) (intro.)
and amended to read:

944.205 (1) (intro.) In this section, “nudity”:

(b) “Nudity” has the meaning given in s. 948.11 (1) (d).

SECTION 3954. 944.205 (1) (a) of the statutes is created to read:

944.205 (1) (a) “Exhibit” has the meaning given in s. 948.01 (1d).

SECTION 3955. 944.205 (1) (c) of the statutes is created to read:

944.205 (1) (c) “Recording” has the meaning given in 948.01 (3r).

SECTION 3956. 944.205 (2) (a) of the statutes is amended to read:

944.205 (2) (a) Takes a photograph or makes a motion picture, videotape or
other visual representation or reproduction that depicts Records an image of nudity
without the knowledge and consent of the person who is depicted nude while that
person is nude in a place and circumstance in which he or she has a reasonable
expectation of privacy, if the person recording the image knows or has reason to know
that the person who is depicted nude does not know of and consent to the taking or
making of the photograph, motion picture, videotape or other visual representation
or reproduction recording.
SECTION 3957. 944.205 (2) (b) of the statutes is repealed and recreated to read:

944.205 (2) (b) Copies, possesses, exhibits, stores, or distributes a recording of an image if all of the following apply:

1. The recording was done in violation of par. (a) or was previously copied in violation of this paragraph.

2. The actor knows or has reason to know that the violation described under subd. 1. has occurred.

3. The person depicted nude in the recording did not consent to the copying, possession, exhibition, storage, or distribution of the recording under par. (b) (intro.).

4. The recording depicts the same nudity recorded in violation of par. (a).

SECTION 3958. 944.205 (3) of the statutes is amended to read:

944.205 (3) Notwithstanding sub. (2) (a) and (b), if the person depicted in a photograph, motion picture, videotape or other visual representation or reproduction recording of an image is a child and the making recording, copying, possession, exhibition, storage, or distribution of the photograph, motion picture, videotape or other visual representation or reproduction recording does not violate s. 948.05 or 948.12, a parent, guardian, or legal custodian of the child may do any of the following:

(a) Make and Record, copy, possess, exhibit, or store the photograph, motion picture, videotape or other visual representation reproduction of the child recording.

(b) Distribute a photograph, motion picture, videotape or other visual representation or reproduction made or recording that was recorded, copied, possessed, exhibited, or stored under par. (a) if the distribution is not for commercial purposes.

SECTION 3959. 944.205 (4) of the statutes is amended to read:
944.205 (4) This section does not apply to a person who receives a photograph, motion picture, videotape or other visual representation or reproduction of recording of an image depicting a child from a parent, guardian, or legal custodian of the child under sub. (3) (b), if the possession and, copying, exhibition, storage, or distribution are is not for commercial purposes.

SECTION 3960. 944.21 (2) (am) of the statutes is created to read:

944.21 (2) (am) “Exhibit” has the meaning given in s. 948.01 (1d).

SECTION 3961. 944.21 (2) (c) (intro.) of the statutes is amended to read:

944.21 (2) (c) (intro.) “Obscene material” means a writing, picture, sound recording or film which, or other recording that:

SECTION 3962. 944.21 (2) (dm) of the statutes is created to read:

944.21 (2) (dm) “Recording” has the meaning given in s. 948.01 (3r).

SECTION 3963. 944.21 (3) (a) of the statutes is amended to read:

944.21 (3) (a) Imports, prints, sells, has in his or her possession for sale, publishes, exhibits, plays, or transfers distributes any obscene material.

SECTION 3964. 944.21 (4) (a) and (b) of the statutes are amended to read:

944.21 (4) (a) Transfers or Distributes, exhibits, or plays any obscene material to a person under the age of 18 years.

(b) Has in his or her possession with intent to transfer or distribute, exhibit, or play to a person under the age of 18 years any obscene material.

SECTION 3965. 944.21 (9) of the statutes is amended to read:

944.21 (9) In determining whether material is obscene under sub. (2) (c) 1. and 3., a judge or jury shall examine individual pictures, recordings of images, or passages in the context of the work in which they appear.

SECTION 3966. 944.25 of the statutes is created to read:
944.25 Sending obscene or sexually explicit electronic messages. (1)

In this section:

(a) “Electronic mail solicitation” means an electronic mail message, including any attached program or document, that is sent for the purpose of encouraging a person to purchase property, goods, or services.

(b) “Obscene material” has the meaning given in s. 944.21 (2) (c).

(c) “Sexually explicit conduct” has the meaning given in s. 948.01 (7).

(2) Whoever sends an unsolicited electronic mail solicitation to a person that contains obscene material or a depiction of sexually explicit conduct without including the words “ADULT ADVERTISEMENT” in the subject line of the electronic mail solicitation is guilty of a Class A misdemeanor.

SECTION 3967. 948.01 (1d) of the statutes is created to read:

948.01 (1d) “Exhibit,” with respect to a recording of an image that is not viewable in its recorded form, means to convert the recording of the image into a form in which the image may be viewed.

SECTION 3968. 948.01 (3r) of the statutes is created to read:

948.01 (3r) “Recording” includes the creation of a reproduction of an image or a sound or the storage of data representing an image or a sound.

SECTION 3969. 948.05 (1) (a) of the statutes is amended to read:

948.05 (1) (a) Employs, uses, persuades, induces, entices, or coerces any child to engage in sexually explicit conduct for the purpose of photographing, filming, videotaping, recording the sounds of or displaying in any way the conduct.

SECTION 3970. 948.05 (1) (b) of the statutes is amended to read:

948.05 (1) (b) Photographs, films, videotapes, records the sounds of or displays in any way a child engaged in sexually explicit conduct.
SECTION 3971. 948.05 (1m) of the statutes is amended to read:

948.05 (1m) Whoever produces, performs in, profits from, promotes, imports into the state, reproduces, advertises, sells, distributes, or possesses with intent to sell or distribute, any undeveloped film, photographic negative, photograph, motion picture, videotape, sound recording or other reproduction of a child engaging in sexually explicit conduct is guilty of a Class C felony if the person knows the character and content of the sexually explicit conduct involving the child and if the person knows or reasonably should know that the child engaging in the sexually explicit conduct has not attained the age of 18 years.

SECTION 3972. 948.07 (4) of the statutes is amended to read:

948.07 (4) Taking a picture or making an audio recording of Recording the child engaging in sexually explicit conduct.

SECTION 3973. 948.11 (1) (ar) 2. of the statutes is amended to read:

948.11 (1) (ar) 2. Any book, pamphlet, magazine, printed matter however reproduced or sound recording that contains any matter enumerated in subd. 1., or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexually explicit conduct, sadomasochistic abuse, physical torture or brutality and that, taken as a whole, is harmful to children.

SECTION 3974. 948.11 (1) (bm) of the statutes is repealed.

SECTION 3975. 948.11 (1) (c) of the statutes is repealed.

SECTION 3976. 948.11 (2) (a) of the statutes is renumbered 948.11 (2) (a) (intro.) and amended to read:

948.11 (2) (a) (intro.) Whoever, with knowledge of the nature the character and content of the material, sells, rents, exhibits, transfers plays, distributes, or loans to
a child any harmful material, with or without monetary consideration, is guilty of a
Class E felony. if any of the following applies:

SECTION 3977. 948.11 (2) (a) 1. and 2. of the statutes are created to read:

948.11 (2) (a) 1. The person knows or reasonably should know that the child
has not attained the age of 18 years.

2. The person has face-to-face contact with the child before or during the sale,
rental, exhibit, playing, distribution, or loan.

SECTION 3978. 948.11 (2) (am) of the statutes is renumbered 948.11 (2) (am)
(intro.) and amended to read:

948.11 (2) (am) (intro.) Any person who has attained the age of 17 and who, with
knowledge of the nature character and content of the description or narrative
account, verbally communicates, by any means, a harmful description or narrative
account to a child, with or without monetary consideration, is guilty of a Class E
felony. if any of the following applies:

SECTION 3979. 948.11 (2) (am) 1. and 2. of the statutes are created to read:

948.11 (2) (am) 1. The person knows or reasonably should know that the child
has not attained the age of 18 years.

2. The person has face-to-face contact with the child before or during the
communication.

SECTION 3980. 948.11 (2) (b) of the statutes is renumbered 948.11 (2) (b) (intro.)
and amended to read:

948.11 (2) (b) (intro.) Whoever, with knowledge of the nature character and
content of the material, possesses harmful material with the intent to sell, rent,
exhibit, transfer play, distribute, or loan the material to a child is guilty of a Class A
misdemeanor. if any of the following applies:
SECTION 3981. 948.11 (2) (b) 1. and 2. of the statutes are created to read:
948.11 (2) (b) 1. The person knows or reasonably should know that the child has not attained the age of 18 years.

2. The person has face-to-face contact with the child.

SECTION 3982. 948.11 (2) (c) of the statutes is amended to read:
948.11 (2) (c) It is an affirmative defense to a prosecution for a violation of this section pars. (a) 2., (am) 2., and (b) 2. if the defendant had reasonable cause to believe that the child had attained the age of 18 years, and the child exhibited to the defendant a draft card, driver’s license, birth certificate or other official or apparently official document purporting to establish that the child had attained the age of 18 years. A defendant who raises this affirmative defense has the burden of proving this defense by a preponderance of the evidence.

SECTION 3983. 948.12 of the statutes is renumbered 948.12 (1m), and 948.12 (1m) (intro.) and (b), as renumbered, are amended to read:
948.12 (1m) (intro.) Whoever possesses any undeveloped film, photographic negative, photograph, motion picture, videotape, or other pictorial reproduction, or audio recording of a child engaged in sexually explicit conduct under all of the following circumstances is guilty of a Class E felony:

(b) The person knows the character and content of the sexually explicit conduct shown in the material.

SECTION 3984. 948.12 (2m) of the statutes is created to read:
948.12 (2m) Whoever exhibits or plays a recording of a child engaged in sexually explicit conduct, if all of the following apply, is guilty of a Class E felony:

(a) The person knows that he or she has exhibited or played the recording.
(b) Before the person exhibited or played the recording, he or she knew the character and content of the sexually explicit conduct.

(c) Before the person exhibited or played the recording, he or she knew or reasonably should have known that the child engaged in sexually explicit conduct had not attained the age of 18 years.

SECTION 3985. 961.14 (7) (p) of the statutes is created to read:

961.14 (7) (p) 4-methylthioamphetamine, commonly known as “4-MTA.”

SECTION 3986. 961.41 (1) (b) of the statutes is amended to read:

961.41 (1) (b) Except as provided in pars. (cm) and (e) to (hm), any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II, may be fined not more than $15,000 or imprisoned for not more than 7 years and 6 months or both.

SECTION 3987. 961.41 (1) (hm) of the statutes is created to read:

961.41 (1) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is subject to the following penalties if the amount manufactured, distributed, or delivered is:

1. Three grams or less, the person shall be fined not less than $1,000 nor more than $200,000 and may be imprisoned for not more than 7 years and 6 months.
2. More than 3 grams but not more than 10 grams, the person shall be fined not less than $1,000 nor more than $250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months.

3. More than 10 grams but not more than 50 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months.

4. More than 50 grams but not more than 200 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months.

5. More than 200 grams but not more than 400 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than 5 years nor more than 22 years and 6 months.

6. More than 400 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than 10 years nor more than 45 years.

SECTION 3988. 961.41 (1) (im) of the statutes is renumbered 961.41 (1) (im) (intro.) and amended to read:

961.41 (1) (im) (intro.) Flunitrazepam, may be fined not more than $15,000 or imprisoned for not more than 7 years and 6 months or both. is subject to the following penalties if the amount manufactured, distributed, or delivered is:

SECTION 3989. 961.41 (1) (im) 1. to 6. of the statutes are created to read:

961.41 (1) (im) 1. Three grams or less, the person shall be fined not less than $1,000 nor more than $200,000 and may be imprisoned for not more than 7 years and 6 months.
2. More than 3 grams but not more than 10 grams, the person shall be fined not less than $1,000 nor more than $250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months.

3. More than 10 grams but not more than 50 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months.

4. More than 50 grams but not more than 200 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months.

5. More than 200 grams but not more than 400 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than 5 years nor more than 22 years and 6 months.

6. More than 400 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than 10 years nor more than 45 years.

**SECTION 3990.** 961.41 (1m) (b) of the statutes is amended to read:

961.41 (1m) (b) Except as provided in pars. (cm) and (e) to (hm), any other controlled substance included in schedule I, II or III, or a controlled substance analog of any other controlled substance included in schedule I or II, may be fined not more than $15,000 or imprisoned for not more than 7 years and 6 months or both.

**SECTION 3991.** 961.41 (1m) (hm) of the statutes is created to read:

961.41 (1m) (hm) Gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine

4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, ketamine, or a controlled substance analog of gamma-hydroxybutyric acid,
gamma-butyrolactone, 3,4-methylenedioxymethamphetamine
4-bromo-2,5-dimethoxy-beta-phenylethylamine, or 4-methylthioamphetamine is
subject to the following penalties if the amount possessed, with intent to
manufacture, distribute, or deliver is:

1. Three grams or less, the person shall be fined not less than $1,000 nor more
   than $200,000 and may be imprisoned for not more than 7 years and 6 months.
2. More than 3 grams but not more than 10 grams, the person shall be fined
   not less than $1,000 nor more than $250,000 and shall be imprisoned for not less than
   6 months nor more than 7 years and 6 months.
3. More than 10 grams but not more than 50 grams, the person shall be fined
   not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than
   one year nor more than 22 years and 6 months.
4. More than 50 grams but not more than 200 grams, the person shall be fined
   not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than
   3 years nor more than 22 years and 6 months.
5. More than 200 grams but not more than 400 grams, the person shall be fined
   not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than
   5 years nor more than 22 years and 6 months.
6. More than 400 grams, the person shall be fined not less than $1,000 nor more
   than $500,000 and shall be imprisoned for not less than 10 years nor more than 45
   years.

Section 3992. 961.41 (1m) (im) of the statutes is renumbered 961.41 (1m) (im)
(intro.) and amended to read:

961.41 (1m) (im) (intro.) Flunitrazepam, may be fined not more than $15,000
or imprisoned for not more than 7 years and 6 months or both, is subject to the
following penalties if the amount possessed, with intent to manufacture, distribute, or deliver, is:

**SECTION 3993.** 961.41 (1m) (im) 1. to 6. of the statutes are created to read:

961.41 (1m) (im) 1. Three grams or less, the person shall be fined not less than $1,000 nor more than $200,000 and may be imprisoned for not more than 7 years and 6 months.

2. More than 3 grams but not more than 10 grams, the person shall be fined not less than $1,000 nor more than $250,000 and shall be imprisoned for not less than 6 months nor more than 7 years and 6 months.

3. More than 10 grams but not more than 50 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than one year nor more than 22 years and 6 months.

4. More than 50 grams but not more than 200 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than 3 years nor more than 22 years and 6 months.

5. More than 200 grams but not more than 400 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than 5 years nor more than 22 years and 6 months.

6. More than 400 grams, the person shall be fined not less than $1,000 nor more than $500,000 and shall be imprisoned for not less than 10 years nor more than 45 years.

**SECTION 3994.** 961.41 (2) (b) of the statutes is amended to read:

961.41 (2) (b) **Except as provided in pars. (a) and (bm), any** counterfeit substance included in schedule I, II or III, may be fined not more than $15,000 or imprisoned for not more than 7 years and 6 months or both.
**Section 3995.** 961.41 (2) (bm) of the statutes is created to read:

961.41 (2) (bm) A counterfeit substance that is a counterfeit of phencyclidine, methamphetamine, lysergic acid diethylamide, gamma-hydroxybutyric acid, gamma-butyrolactone, 3,4-methylenedioxymethamphetamine, 4-bromo-2,5-dimethoxy-beta-phenylethylamine, 4-methylthioamphetamine, or ketamine is punishable by the applicable fine and imprisonment for manufacture, distribution, delivery, or possession with intent to manufacture, distribute, or deliver, of the genuine controlled substance under sub. (1) or (1m).

**Section 3996.** 961.41 (2) (cm) of the statutes is amended to read:

961.41 (2) (cm) A counterfeit substance which is flunitrazepam, may be fined not more than $15,000 or imprisoned for not more than 7 years and 6 months or both is punishable by the applicable fine and imprisonment for manufacture, distribution, delivery, or possession with intent to manufacture, distribute, or deliver, of the genuine controlled substance under sub. (1) or (1m).

**Section 3997.** 961.41 (5) (a) of the statutes is amended to read:

961.41 (5) (a) When a court imposes a fine for a violation of this section, it shall also impose a drug abuse program improvement surcharge in an amount of 50% of the fine and penalty assessment, and law enforcement training fund assessment imposed.

**Section 3998.** 967.04 (9) of the statutes is amended to read:

967.04 (9) In any criminal prosecution or juvenile fact-finding hearing under s. 48.31 or 938.31, the court may admit into evidence a videotaped deposition taken under subs. (7) and (8) without an additional hearing under s. 908.08. In any proceeding under s. 302.113 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the hearing examiner may order and preside at the taking of a videotaped deposition.
using the procedure provided in subs. (7) and (8) and may admit the videotaped
deposition into evidence without an additional hearing under s. 908.08.

**SECTION 3998.** 971.14 (2) (d) of the statutes is amended to read:

971.14 (2) (d) If the court orders that the examination be conducted on an
inpatient basis, it shall arrange for the transportation of the sheriff of the defendant’s
county of residence shall transport any defendant not free on bail to the examining
facility within a reasonable time after the examination is ordered and for shall
transport the defendant to be returned to the jail within a reasonable time after
receiving the sheriff and county department of community programs of the
defendant’s county of residence receive notice from the examining facility that the
examination has been completed.

**SECTION 4000.** 971.17 (1) of the statutes is renumbered 971.17 (1) (a) and
amended to read:

971.17 (1) (a) *Felonies committed before the effective date of this paragraph ....*

[revisor inserts date]. When Except as provided in par. (c), when a defendant is found
not guilty by reason of mental disease or mental defect of a felony committed before
the effective date of this paragraph .... [revisor inserts date], the court shall commit
the person to the department of health and family services for a specified period not
exceeding two-thirds of the maximum term of imprisonment that could be imposed
under s. 973.15 (2) (a) against an offender convicted of the same crime or crimes
felony, including imprisonment authorized by ss. 346.65 (2) (f), (2j) (d) or (3m),
939.62, 939.621, 939.63, 939.635, 939.64, 939.641, 939.645, 940.09 (1b), 940.25 (1b)
and 961.48 and other any applicable penalty enhancement statutes, as applicable,
subject to the credit provisions of s. 973.155.
(c) Felonies punishable by life imprisonment. If the maximum term of imprisonment is a defendant is found not guilty by reason of mental disease or mental defect of a felony that is punishable by life imprisonment, the commitment period specified by the court may be life, subject to termination under sub. (5).

SECTION 4001. 971.17 (1) (b) of the statutes is created to read:

971.17 (1) (b) Crimes committed on or after the effective date of this paragraph .... [revisor inserts date] for which a bifurcated sentence may be imposed. When a defendant is found not guilty by reason of mental disease or mental defect of a crime committed on or after the effective date of this paragraph .... [revisor inserts date], and the crime is one for which a court may impose a bifurcated sentence under s. 973.01, the court shall commit the person to the department of health and family services for a specified period not exceeding the maximum term of confinement in prison that could be imposed on an offender convicted of the same crime, including imprisonment authorized by any applicable penalty enhancement statutes, subject to the credit provisions of s. 973.155.

SECTION 4002. 971.17 (1) (d) of the statutes is created to read:

971.17 (1) (d) Misdemeanors for which a bifurcated sentence may not be imposed. When a defendant is found not guilty by reason of mental disease or mental defect of one of the following misdemeanors, the court shall commit the person to the department of health and family services for a specified period not exceeding two-thirds of the maximum term of imprisonment that could be imposed against an offender convicted of the same misdemeanor, including imprisonment authorized by any applicable penalty enhancement statutes, subject to the credit provisions of s. 973.155:
1. A misdemeanor committed before the effective date of this subdivision .... [revisor inserts date].

2. A misdemeanor committed on or after the effective date of this subdivision .... [revisor inserts date], for which a court may not impose a bifurcated sentence under s. 973.01.

**SECTION 4003.** 971.23 (10) of the statutes is amended to read:

971.23 (10) **PAYMENT OF PHOTOCOPY COSTS IN CASES INVOLVING INDIGENT DEFENDANTS.** When the state public defender or a private attorney appointed under s. 977.08 requests photocopies of any item that is discoverable under this section, the state public defender shall pay any fee charged for the photocopies from the appropriation under s. 20.550 (1) (a) (f). If the person providing photocopies under this section charges the state public defender a fee for the photocopies, the fee may not exceed the actual, necessary and direct cost of photocopying.

**SECTION 4004.** 972.15 (2c) of the statutes is amended to read:

972.15 (2c) **If the defendant is subject to** being sentenced under s. 973.01 and he or she satisfies the criteria under s. 302.045 (2) (b) and (c), the person preparing the presentence investigation report shall include in the report a recommendation as to whether the defendant should be eligible for the challenge incarceration program under s. 302.045.

**SECTION 4005.** 973.01 (1) of the statutes is amended to read:

973.01 (1) **BIFURCATED SENTENCE REQUIRED.** Except as provided in sub. (3), whenever a court sentences a person to imprisonment in the Wisconsin state prisons for a felony committed on or after December 31, 1999, or a misdemeanor committed on or after the effective date of this subsection .... [revisor inserts date], the court
shall impose a bifurcated sentence that consists of a term of confinement in prison
followed by a term of extended supervision under s. 302.113.

**SECTION 4006.** 973.01 (2) (intro.) of the statutes is amended to read:

973.01 (2) **Structure of bifurcated sentences.** (intro.) The court shall ensure
that **An order imposing** a bifurcated sentence imposed under sub. (1) **complies shall**
comply with all of the following:

**SECTION 4007.** 973.01 (2) (a) of the statutes is amended to read:

973.01 (2) (a) **Total length of bifurcated sentence.** Except as provided in par. (c),
the total length of the bifurcated sentence may not exceed the maximum period of
imprisonment for the **felony crime**.

**SECTION 4008.** 973.01 (2) (b) (intro.) of the statutes is amended to read:

973.01 (2) (b) **Imprisonment Confinement portion of bifurcated sentence.**
(intro.) The portion of the bifurcated sentence that imposes a term of confinement
in prison may not be less than one year, subject to any minimum sentence prescribed
for the **felony crime**, and, except as provided in par. (c), **may not exceed is subject to**
whichever of the following **limits** is applicable:

**SECTION 4009.** 973.01 (2) (b) 6. of the statutes is renumbered 973.01 (2) (b) 6.
(intro.) and amended to read:

973.01 (2) (b) 6. (intro.) **For any felony crime other than a felony specified in**
subds. 1. to 5. **one of the following**, the term of confinement in prison may not exceed
75% of the total length of the bifurcated sentence;

**SECTION 4010.** 973.01 (2) (b) 6. a. and b. of the statutes are created to read:

973.01 (2) (b) 6. a. **A felony specified in subds. 1. to 5.**

b. **An attempt to commit a classified felony if the attempt is punishable under**
s. 939.32 (1) (intro.).
SECTION 4011. 973.01 (2) (d) of the statutes is amended to read:

973.01 (2) (d) Minimum term of extended supervision. The term of extended supervision that follows the term of confinement in prison may not be less than 25% of the length of the term of confinement in prison imposed under par. (b).

SECTION 4012. 973.01 (4) of the statutes is amended to read:

973.01 (4) No good time; extension or reduction of term of imprisonment. A person sentenced to a bifurcated sentence under sub. (1) shall serve the term of confinement in prison portion of the sentence without reduction for good behavior. The term of confinement in prison portion is subject to extension under s. 302.113 (3) and, if applicable, to reduction under s. 302.045 (3m) or 302.113 (2m).

SECTION 4013. 973.01 (6) of the statutes is amended to read:

973.01 (6) No parole. A person serving a bifurcated sentence imposed under sub. (1) is not eligible for release on parole under that sentence.

SECTION 4014. 973.013 (3m) of the statutes is amended to read:

973.013 (3m) If a person who has not attained the age of 16 years is sentenced to the Wisconsin state prisons, the department of corrections shall place the person at a secured juvenile correctional facility or a secured child caring institution, unless the department of corrections determines that placement in an institution under s. 302.01 is appropriate based on the person’s prior record of adjustment in a correctional setting, if any; the person’s present and potential vocational and educational needs, interests, and abilities; the adequacy and suitability of available facilities; the services and procedures available for treatment of the person within the various institutions; the protection of the public; and any other considerations promulgated by the department of corrections by rule. This subsection does not preclude the department of corrections from designating an
adult correctional institution as a reception center for the person and subsequently
transferring the person to a secured juvenile correctional facility or a secured child
caring institution. Section 302.11 and ch. 304 apply to all persons placed in a secured
juvenile correctional facility or a secured child caring institution under this
subsection.

SECTION 4015. 973.05 (1) of the statutes is amended to read:

973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
permission for the payment of the fine, of the penalty assessment imposed by s.
757.05, the law enforcement training fund assessment imposed by s. 165.87 (1), the
jail assessment imposed by s. 302.46 (1), the crime victim and witness assistance
surcharge under s. 973.045, the crime laboratories and drug law enforcement
assessment imposed by s. 165.755, any applicable deoxyribonucleic acid analysis
surcharge under s. 973.046, any applicable drug abuse program improvement
surcharge imposed by s. 961.41 (5), any applicable consumer information protection
assessment imposed by s. 100.261, any applicable domestic abuse assessment
imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver improvement
surcharge imposed by s. 346.655, any applicable enforcement assessment imposed
by s. 253.06 (4) (c), any applicable weapons assessment imposed by s. 167.31, any
applicable uninsured employer assessment imposed by s. 102.85 (4), any applicable
environmental assessment imposed by s. 299.93, any applicable wild animal
protection assessment imposed by s. 29.983, any applicable natural resources
assessment imposed by s. 29.987, and any applicable natural resources restitution
payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
no such permission is embodied in the sentence, the fine, the penalty assessment, the law enforcement training fund assessment, the jail assessment, the crime victim and
witness assistance surcharge, the crime laboratories and drug law enforcement
assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable
drug abuse program improvement surcharge, any applicable consumer information
protection assessment, any applicable domestic abuse assessment, any applicable
driver improvement surcharge, any applicable enforcement assessment, any
applicable weapons assessment, any applicable uninsured employer assessment,
any applicable environmental assessment, any applicable wild animal protection
assessment, any applicable natural resources assessment, and any applicable
natural resources restitution payment shall be payable immediately.

SECTION 4016. 973.05 (2) of the statutes is amended to read:

973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
probation, the court may make the payment of the fine, the penalty assessment, the
law enforcement training fund assessment, the jail assessment, the crime victim and
witness assistance surcharge, the crime laboratories and drug law enforcement
assessment, any applicable deoxyribonucleic acid analysis surcharge, any applicable
drug abuse program improvement surcharge, any applicable consumer information
protection assessment, any applicable domestic abuse assessment, any applicable
uninsured employer assessment, any applicable driver improvement surcharge, any
applicable enforcement assessment under s. 253.06 (4) (c), any applicable weapons
assessment, any applicable environmental assessment, any applicable wild animal
protection assessment, any applicable natural resources assessment, and any
applicable natural resources restitution payments a condition of probation. When
the payments are made a condition of probation by the court, payments thereon shall
be applied first to payment of the penalty assessment until paid in full, shall then
be applied to the law enforcement training fund assessment until paid in full, shall
then be applied to the payment of the jail assessment until paid in full, shall then be applied to the payment of part A of the crime victim and witness assistance surcharge until paid in full, shall then be applied to part B of the crime victim and witness assistance surcharge until paid in full, shall then be applied to the crime laboratories and drug law enforcement assessment until paid in full, shall then be applied to the deoxyribonucleic acid analysis surcharge until paid in full, shall then be applied to the drug abuse improvement surcharge until paid in full, shall then be applied to payment of the driver improvement surcharge until paid in full, shall then be applied to payment of the domestic abuse assessment until paid in full, shall then be applied to payment of the consumer information protection assessment until paid in full, shall then be applied to payment of the natural resources assessment if applicable until paid in full, shall then be applied to payment of the natural resources restitution payment until paid in full, shall then be applied to the payment of the environmental assessment if applicable until paid in full, shall then be applied to the payment of the wild animal protection assessment if applicable until paid in full, shall then be applied to payment of the weapons assessment until paid in full, shall then be applied to payment of the uninsured employer assessment until paid in full, shall then be applied to payment of the enforcement assessment under s. 253.06 (4) (c), if applicable, until paid in full, and shall then be applied to payment of the fine.

**Section 4017.** 973.055 (2) (b) of the statutes is amended to read:

973.055 (2) (b) If the assessment is imposed by a municipal court, after a determination by the court of the amount due, the court shall collect and transmit the amount to the treasurer of the county, city, town, or village, and that treasurer shall make payment to the state treasurer as provided in s. 66.0114 (1) (bm).

**Section 4018.** 973.07 of the statutes is amended to read:
973.07 Failure to pay fine or costs or to comply with certain community service work. If the fine, costs, penalty assessment, law enforcement training fund assessment, jail assessment, crime victim and witness assistance surcharge, crime laboratories and drug law enforcement assessment, applicable deoxyribonucleic acid analysis surcharge, applicable drug abuse program improvement surcharge, applicable consumer information protection assessment, applicable domestic abuse assessment, applicable driver improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured employer assessment, applicable environmental assessment, applicable wild animal protection assessment, applicable natural resources assessment, and applicable natural resources restitution payments are not paid or community service work under s. 943.017 (3) is not completed as required by the sentence, the defendant may be committed to the county jail until the fine, costs, penalty assessment, law enforcement training fund assessment, jail assessment, crime victim and witness assistance surcharge, crime laboratories and drug law enforcement assessment, applicable deoxyribonucleic acid analysis surcharge, applicable drug abuse program improvement surcharge, applicable consumer information protection assessment, applicable domestic abuse assessment, applicable driver improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured employer assessment, applicable environmental assessment, applicable wild animal protection assessment, applicable natural resources assessment or applicable natural resources restitution payments are paid or discharged, or the community service work under s. 943.017 (3) is completed, for a period fixed by the court not to exceed 6 months.
**SECTION 4019.** 973.09 (1) (a) of the statutes is amended to read:

973.09 (1) (a) Except as provided in par. (c) or if probation is prohibited for a particular offense by statute, if a person is convicted of a crime, the court, by order, may withhold sentence or impose sentence under s. 973.15 and stay its execution, and in either case place the person on probation to the department for a stated period, stating in the order the reasons therefor. The court may impose any conditions which appear to be reasonable and appropriate. The period of probation may be made consecutive to a sentence on a different charge, whether imposed at the same time or previously. If the court imposes an increased term of probation, as authorized under sub. (2) (a) (am) 2. or (b) 2., it shall place its reasons for doing so on the record.

**SECTION 4020.** 973.09 (2) (intro.) and (a) 1. of the statutes are consolidated, renumbered 973.09 (2) (am) 1. and amended to read:

973.09 (2) (am) 1. The Subject to subd. 2., the original term of probation for an indeterminate sentence misdemeanor shall be: (a) 1. Except as provided in subd. 2., for misdemeanors, not less than 6 months nor more than 2 years.

**SECTION 4021.** 973.09 (2) (a) 2. of the statutes is renumbered 973.09 (2) (am) 2. and amended to read:

973.09 (2) (am) 2. If the probationer is convicted of not less than 2 nor more than 4 indeterminate sentence misdemeanors at the same time, the maximum original term of probation may be increased by one year. If the probationer is convicted of 5 or more indeterminate sentence misdemeanors at the same time, the maximum original term of probation may be increased by 2 years.

**SECTION 4022.** 973.09 (2) (ag) of the statutes is created to read:

973.09 (2) (ag) *Definitions.* In this subsection:
1. “Bifurcated sentence misdemeanor” means a misdemeanor committed on or after the effective date of this subdivision ..., [revisor inserts date], for which a court may impose a bifurcated sentence under s. 973.01.

2. “Indeterminate sentence misdemeanor” means a misdemeanor other than a bifurcated sentence misdemeanor.

**SECTION 4023.** 973.09 (2) (am) (title) of the statutes is created to read:

973.09 (2) (am) (title) *Misdemeanors for which a bifurcated sentence may not be imposed.*

**SECTION 4024.** 973.09 (2) (b) (title) of the statutes is created to read:

973.09 (2) (b) (title) *Crimes for which a bifurcated sentence may be imposed.*

**SECTION 4025.** 973.09 (2) (b) 1. of the statutes is amended to read:

973.09 (2) (b) 1. Except as provided in Subject to subd. 2., the original term of probation for felonies, and bifurcated sentence misdemeanors shall be not less than one year nor more than either the statutory maximum term of imprisonment confinement in prison for the crime or 3 years, whichever is greater.

**SECTION 4026.** 973.09 (2) (b) 2. of the statutes is amended to read:

973.09 (2) (b) 2. If the probationer is convicted of 2 or more crimes, including at least one felony or bifurcated sentence misdemeanor, at the same time, the maximum original term of probation may be increased by one year for each felony conviction for a felony or a bifurcated sentence misdemeanor.

**SECTION 4027.** 973.15 (2m) of the statutes is created to read:

973.15 (2m) (a) *Definitions.* In this subsection:

1. “Determinate sentence” means a bifurcated sentence imposed under s. 973.01 or a life sentence under which a person is eligible for release to extended supervision under s. 973.014 (1g) (a) 1. or 2.
2. “Indeterminate sentence” means a sentence to the Wisconsin state prisons other than one of the following:
   a. A determinate sentence.
   b. A sentence under which the person is not eligible for release on parole under s. 939.62 (2m) (c) or 973.014 (1) (c).

3. “Period of confinement in prison,” with respect to any sentence to the Wisconsin state prisons, means any time during which a person is incarcerated under that sentence, including any extensions imposed under s. 302.11 (3), 302.113 (3), or 302.114 (3) and any period of confinement in prison required to be served under s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

   (b) *Determinate sentences imposed to run concurrent with or consecutive to determinate sentences.* 1. If a court provides that a determinate sentence is to run concurrent with another determinate sentence, the person sentenced shall serve the periods of confinement in prison under the sentences concurrently and the terms of extended supervision under the sentences concurrently.

   2. If a court provides that a determinate sentence is to run consecutive to another determinate sentence, the person sentenced shall serve the periods of confinement in prison under the sentences consecutively and the terms of extended supervision under the sentences consecutively and in the order in which the sentences have been pronounced.

   (c) *Determinate sentences imposed to run concurrent with or consecutive to indeterminate sentences.* 1. If a court provides that a determinate sentence is to run concurrent with an indeterminate sentence, the person sentenced shall serve the period of confinement in prison under the determinate sentence concurrent with the period of confinement in prison under the indeterminate sentence and the term of
extended supervision under the determinate sentence concurrent with the parole portion of the indeterminate sentence.

2. If a court provides that a determinate sentence is to run consecutive to an indeterminate sentence, the person sentenced shall serve the period of confinement in prison under the determinate sentence consecutive to the period of confinement in prison under the indeterminate sentence and the parole portion of the indeterminate sentence consecutive to the term of extended supervision under the determinate sentence.

(d) Indeterminate sentences imposed to run concurrent with or consecutive to determinate sentences. 1. If a court provides that an indeterminate sentence is to run concurrent with a determinate sentence, the person sentenced shall serve the period of confinement in prison under the indeterminate sentence concurrent with the period of confinement in prison under the determinate sentence and the parole portion of the indeterminate sentence concurrent with the term of extended supervision required under the determinate sentence.

2. If a court provides that an indeterminate sentence is to run consecutive to a determinate sentence, the person sentenced shall serve the period of confinement in prison under the indeterminate sentence consecutive to the period of confinement in prison under the determinate sentence and the parole portion of the indeterminate sentence consecutive to the term of extended supervision under the determinate sentence.

(e) Revocation in multiple sentence cases. If a person is serving concurrent determinate sentences and extended supervision is revoked in each case, or if a person is serving a determinate sentence concurrent with an indeterminate sentence and both extended supervision and parole are revoked, the person shall concurrently
serve any periods of confinement in prison required under those sentences under s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

**SECTION 4027.** 973.155 (1) (b) of the statutes is amended to read:

973.155 (1) (b) The categories in par. (a) include custody of the convicted offender which is in whole or in part the result of a probation, extended supervision or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed upon the person for the same course of conduct as that resulting in the new conviction.

**SECTION 4028.** 976.08 of the statutes is amended to read:

976.08 **Additional applicability.** In this chapter, “prisoner” includes any person subject to an order under s. 48.366 or 938.183 who is confined to a Wisconsin state prison and any person subject to an order under s. 938.34 (4h) who is 17 years of age or older.

**SECTION 4029.** 977.05 (6) (c) of the statutes is repealed.

**SECTION 4030.** 977.05 (6) (cm) of the statutes is repealed.

**SECTION 4031.** 978.13 (1) (intro.) and (d) of the statutes are consolidated, renumbered 978.13 (1) and amended to read:

978.13 (1) The **In counties having a population of 500,000 or more, the state shall assume financial responsibility for all of the following:** (d) **In counties having a population of 500,000 or more,** the salary and fringe benefit costs of 2 clerk positions providing clerical services to the prosecutors in the district attorney’s office handling cases involving the unlawful possession or use of firearms. The state treasurer shall pay the amount authorized under this paragraph subsection to the county treasurer from the appropriation under s. 20.475 (1) (f) pursuant to a voucher submitted by the district attorney to the department of administration. The amount paid under this
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paragraph subsection may not exceed $51,300 in the 1999-2000 fiscal year and
$64,400 in the 2000-01 fiscal year the amount appropriated under s. 20.475 (1) (f).

SECTION 4033. 978.13 (1) (b) and (c) of the statutes are repealed.

SECTION 4034. 979.025 of the statutes is created to read:

979.025 Autopsy of correctional inmate. (1) INMATE CONFINED TO AN
INSTITUTION IN THIS STATE. If an individual dies while he or she is in the legal custody
of the department and confined to a correctional facility located in this state, the
coroner or medical examiner of the county where the death occurred shall perform
an autopsy on the deceased individual. If the coroner or medical examiner who
performs the autopsy determines that the individual’s death may have been the
result of any of the situations that would permit the district attorney to order an
inquest under s. 979.04 (1), the coroner or medical examiner shall follow the
procedures under s. 979.04 (2).

(2) INMATE CONFINED IN AN INSTITUTION IN ANOTHER STATE. If an individual dies
while he or she is in the legal custody of the department and confined to a correctional
facility in another state under a contract under s. 301.07, 301.21, or 302.25, the
department shall have an autopsy performed by an appropriate authority in the
other state or by the coroner or medical examiner of the county in which the circuit
court is located that sentenced the individual to the custody of the department. If
the coroner or medical examiner who performs the autopsy in this state determines
that the individual’s death may have been the result of any of the situations that
would permit the district attorney to order an inquest under s. 979.04 (1), the coroner
or medical examiner shall forward the results of the autopsy to the appropriate
authority in the other state.
(3) Costs of an autopsy. The costs of an autopsy performed under sub. (1) or
(2) shall be paid by the department.

Section 4035. 1997 Wisconsin Act 4, section 4 (1) (a), as last affected by 1999
Wisconsin Act 9, section 3261, is amended to read:

27, section 9126 (23) and (26v), the department of corrections may, from July 1, 1997,
until July 1, 2001 2003, operate the secured correctional facility, as defined in section
938.02 (15m) of the statutes, authorized under 1995 Wisconsin Act 27, section 9126
(26v), as a state prison named in section 302.01 of the statutes, as affected by this
act, for the placement of prisoners, as defined in section 301.01 (2) of the statutes,
who are not more than 21 years of age and who are not violent offenders, as
determined by the department of corrections.

Section 4036. 1997 Wisconsin Act 27, section 1622d is repealed.

Section 4037. 1997 Wisconsin Act 27, section 1623d is repealed.

Section 4038. 1997 Wisconsin Act 27, section 1624d is repealed.

Section 4039. 1997 Wisconsin Act 27, section 9101 (11m) is repealed.

Section 4040. 1997 Wisconsin Act 27, section 9423 (10f) is repealed.

Section 4041. 1997 Wisconsin Act 27, section 9456 (3m) is repealed.

Section 4042. 1997 Wisconsin Act 252, section 51 is repealed.

Section 4043. 1997 Wisconsin Act 252, section 53 is repealed.

Section 4044. 1997 Wisconsin Act 252, section 201 (1) is repealed.

Section 4045. 1999 Wisconsin Act 9, section 11ac is repealed.

Section 4046. 1999 Wisconsin Act 9, section 593ac is repealed.

Section 4047. 1999 Wisconsin Act 9, section 9201 (2m) is repealed.

Section 4048. 1999 Wisconsin Act 9, section 9201 (2n) is repealed.
SECTION 4049. 1999 Wisconsin Act 9, section 9201 (2p) is repealed.

SECTION 4050. 1999 Wisconsin Act 9, section 9211 (title) and (2g) are repealed.

SECTION 4051. 1999 Wisconsin Act 9, section 9230 (title) and (1) are repealed.

SECTION 4052. 1999 Wisconsin Act 9, section 9230 (2m) is repealed.

SECTION 4053. 1999 Wisconsin Act 9, section 9230 (3m) is repealed.

SECTION 4054. 1999 Wisconsin Act 9, section 9238 (title) and (1h) are repealed.

SECTION 4055. 1999 Wisconsin Act 9, section 9239 (title) and (1h) are repealed.

SECTION 4056. 1999 Wisconsin Act 9, section 9239 (2h) is repealed.

SECTION 4057. 1999 Wisconsin Act 9, section 9357 (3) is amended to read:

[1999 Wisconsin Act 9] Section 9357 (3) ASSIGNMENT OF RECEIVING AND
DISBURSING FEES. The treatment of sections 767.265 (1), (2h) (by SECTION 3059) and
(2r) and 767.29 (1) (d) (intro.), 1. and 2. of the statutes and the amendment of section
767.265 (1m) of the statutes first apply to annual receiving and disbursing
fees that are ordered on the effective date of this subsection.

SECTION 4058. 1999 Wisconsin Act 9, section 9401 (2zt) is repealed.

SECTION 4059. 1999 Wisconsin Act 9, section 9401 (2zu) is repealed.

SECTION 4060. 1999 Wisconsin Act 9, section 9421 (1x) is amended to read:

[1999 Wisconsin Act] Section 9421 (1x) ASSISTANCE FROM DEPARTMENT OF
WORKFORCE DEVELOPMENT. The treatment of section 20.445 (3) (mc) (by SECTION
474ac) of the statutes and the repeal of sections 14.18 and 20.525 (1) (kb) of the
statutes take effect on January 6, 2003.

SECTION 9101. Nonstatutory provisions; administration.

(1) TANK PLAN REVIEW AND INSPECTION FEES. The secretary of administration
shall calculate the amount of fees collected for plan review and inspection of tanks
for the storage, handling, or use of flammable or combustible liquids and for any
certification or registration required under section 101.09 (3) (c) of the statutes beginning on July 1, 2000, and ending on the effective date of this subsection, less the costs encumbered under the appropriation under section 20.143 (3) (j) of the statutes during that period for 2 program specialists for the program under section 101.143 of the statutes.

(2) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From federal and program revenue moneys appropriated to the department of administration for the office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the department shall expend $84,000 in fiscal year 2001–02 and $91,000 in fiscal year 2002–03 to provide the multijurisdictional enforcement group serving Dane County with funding for one assistant district attorney to prosecute criminal violations of chapter 961 of the statutes.

(3) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From federal and program revenue moneys appropriated to the department of administration for the office of justice assistance under section 20.505 (6) (kp) and (p) of the statutes, the department shall expend $277,900 in fiscal year 2001–02 and $291,400 in fiscal year 2002–03 to provide the multijurisdictional enforcement group serving Milwaukee County with funding for 3 assistant district attorneys to prosecute criminal violations of chapter 961 of the statutes.

(4) EDUCATIONAL BROADCASTING.

(a) Determination of license fee transfer date. If the secretary of administration determines that the federal communications commission has approved the transfer of all broadcasting licenses held by the educational communications board or all broadcasting licenses, except licenses for student radio, held by the board of regents of the University of Wisconsin, or both, to the corporation described under section
39.82 (1) of the statutes, as created by this act, the secretary shall immediately notify
the revisor of statutes in writing of the effective date of the last license transferred.

(b) Transfer of University of Wisconsin System funds. If the secretary of
administration determines that the federal communications commission has
approved the transfer of all broadcasting licenses held by the educational
communications board and the board of regents of the University of Wisconsin
System, except licenses for student radio, to the corporation described under section
39.82 (1) of the statutes, as created by this act, on the effective date of the last license
transferred, all unencumbered balances appropriated to the board of regents of the
University of Wisconsin System under section 20.285 of the statutes for public
broadcasting, as determined by the secretary of administration, are transferred to
the corporation described under section 39.82 (1) of the statutes, as created by this
act.

(5) Use of electronic records and electronic signatures by governmental
units. Using the procedure under section 227.24 of the statutes, the department of
administration may promulgate emergency rules under section 137.25 (2) of the
statutes, as created by this act, for the period before the effective date of permanent
rules initially promulgated under section 137.25 (2) of the statutes, as created by this
act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the
statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
department is not required to provide evidence that promulgating a rule under this
subsection as an emergency rule is necessary for the preservation of the public peace,
health, safety, or welfare and is not required to provide a finding of emergency for a
rule promulgated under this subsection.
(6) **Use of Electronic Signatures by Notaries Public.** The secretary of state and department of administration shall promulgate initial rules under section 137.25 (2) (b) of the statutes, as created by this act, to become effective no later than January 1, 2004.

(7) **Consolidation of Appropriations.** On the effective date of this subsection, the secretary of administration shall apportion and transfer the unencumbered moneys and accounts receivable from the appropriation account under section 20.505 (1) (kd) of the statutes to the appropriation accounts under sections 20.505 (1) (kb) and 20.530 (1) (ke) of the statutes, as affected by this act, and shall apportion and transfer the liabilities, including any liabilities incurred under section 20.903 (2) (b) of the statutes, from the appropriation sections 20.505 (1) (kd) of the statutes to the appropriations under sections 20.505 (1) (kb) and 20.530 (1) (ke) of the statutes, as affected by this act, in the manner determined by the secretary.

(8) **Abolition of Land Information Board.**

(a) **Assets and liabilities.** On the effective date of this paragraph, the assets and liabilities of the land information board, as determined by the secretary of administration, shall become the assets and liabilities of the department of administration.

(b) **Tangible personal property.** On the effective date of this paragraph, all tangible personal property, including records, of the land information board, as determined by the secretary of administration, is transferred to the department of administration.

(c) **Contracts.** All contracts entered into by the land information board in effect on the effective date of this paragraph remain in effect and are transferred to the department of administration. The department of administration shall carry out
any obligations under such a contract until the contract is modified or rescinded by
the department of administration to the extent allowed under the contract.

(d) Rules and orders. All rules promulgated by the land information board that
are in effect on the effective date of this paragraph remain in effect until their
specified expiration dates or until amended or repealed by the department of
administration. All orders issued by the land information board that are in effect on
the effective date of this paragraph remain in effect until their specified expiration
date or until modified or rescinded by the department of administration.

(e) Pending matters. Any matter pending with the land information board on
the effective date of this paragraph is transferred to the department of
administration and all materials submitted to or actions by the land information
board with respect to the pending matter are considered as having been submitted
to or taken by the department of administration.

(9) LAND INFORMATION REPORT. Notwithstanding section 16.967 (3) (f) of the
statutes, as affected by this act, the department of administration shall submit a
report under that paragraph to the Wisconsin land council for the 2001–02 fiscal year
no later than 10 days after the date of publication of this act.

(10) WISCONSIN ADVANCED TELECOMMUNICATIONS FOUNDATION FUNDS.

(a) Determination by secretary of administration. If the secretary of
administration determines that the Wisconsin advanced telecommunications
foundation has granted, before the effective date of this paragraph, to the
department of administration the unencumbered balances of the endowment fund
established under section 14.28 (2) (g), 1999 stats., and the fast start fund
established under section 14.28 (6) (a), 1999 stats., each of the following applies on
the effective date of this paragraph:
1. ‘Wisconsin Informational Network for School Success.’ An amount equal to $579,000 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.255 (1) (ke) of the statutes, for the purpose of upgrading the Wisconsin Informational Network for School Success.

2. ‘State school finance information system.’ An amount equal to $77,800 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.255 (1) (ke) of the statutes, for the purpose of upgrading the state school finance information system.

3. ‘Wisconsin Center for the Blind and Visually Impaired.’ An amount equal to $526,000 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.255 (1) (ke) of the statutes, for the purpose of upgrading and replacing assistive technology devices and related software programs at the Janesville facility of the Wisconsin Center for the Blind and Visually Impaired and the regional satellite facilities of the center and for completing a network upgrade at the Janesville facility.

4. ‘Wisconsin Regional Library for the Blind and Physically Handicapped.’ An amount equal to $161,600 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.255 (1) (ke) of the statutes, for the purpose of replacing the automated system at the Wisconsin Regional Library for the Blind and Physically Handicapped.

5. ‘Technology for educational achievement in Wisconsin board.’ An amount equal to $136,200 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.275 (1) (k) of the statutes, as created by this act, for the purpose of providing administrative and
support services to resolve the outstanding business of the Wisconsin advanced telecommunications foundation and performing other duties, as determined by the secretary of the technology for educational achievement in Wisconsin board, including duties related to the state’s administration of any federal funding available under 47 USC 254.

6. ‘Technical college system board.’ An amount equal to $2,000,000 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.292 (1) (km) of the statutes, as created by this act.

7. ‘Wisconsin advanced telecommunications foundation grants.’ An amount equal to $566,200 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.275 (1) (k) of the statutes, as created by this act, for the purpose of closing out any existing grants made by the Wisconsin advanced telecommunications foundation.

8. ‘Wisconsin advanced distributed co-laboratory.’ An amount equal to $1,000,000 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.285 (1) (k) of the statutes for the purpose of funding the Wisconsin advanced distributed co-laboratory. After the transfer described in this subdivision is made, the board of regents of the University of Wisconsin System shall, by September 1, 2003, submit a report to the department of administration that shows how the board of regents used the amount transferred to benefit the Wisconsin advanced distributed co-laboratory and describes any federal funding received for the co-laboratory.

9. ‘Worldwide distance education.’ An amount equal to $250,000 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the
appropriation account under section 20.285 (1) (k) of the statutes for the purpose of
the University of Wisconsin Learning Innovations at the University of
Wisconsin–Extension to establish a nonstock, nonprofit corporation that is described
in section 501 (c) (3) of the Internal Revenue Code, whose purpose is to establish
distance education classrooms in Wisconsin trade offices abroad and to offer
University of Wisconsin System distance education courses from those classrooms.

10. ‘University of Wisconsin Learning Innovations.’ An amount equal to
$3,000,000 is transferred from the appropriation account under section 20.505 (1) (j)
of the statutes to the appropriation account under section 20.285 (1) (k) of the
statutes for the purpose of funding the activities of the University of Wisconsin
Learning Innovations at the University of Wisconsin–Extension.

11. ‘Department of commerce grants for technology research.’ An amount equal
to $1,500,000 is transferred from the appropriation account under section 20.505 (1)
(j) of the statutes to the appropriation account under section 20.143 (1) (kt) of the
statutes, as created by this act, for the purpose of allowing the department of
commerce to make grants, no later than June 30, 2003, to the University of
Wisconsin–Milwaukee, the University of Wisconsin–Parkside, Marquette
University, the Milwaukee School of Engineering, and the Medical College of
Wisconsin for research related to emerging technologies that will promote industrial
and economic development in southeastern Wisconsin. The department of commerce
may not make a grant under this subdivision unless the department and the
recipient enter into an agreement that specifies reporting and auditing
requirements for the grant.

12. ‘University of Wisconsin System wireless networking.’ An amount equal
to $500,000 is transferred from the appropriation account under section 20.505 (1)
(j) of the statutes to the appropriation account under section 20.285 (1) (k) of the statutes for the purpose of developing wireless networking systems that allow students to use laptop computers and docking stations to connect to the Internet.

13. ‘University of Wisconsin System Internet 2 project.’ An amount equal to $2,000,000 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.285 (1) (k) of the statutes for the purpose of funding the project of the University of Wisconsin System designated as “Internet 2” that upgrades technology infrastructure on campuses for enhancing high-speed Internet activity.

14. ‘University of Wisconsin–Madison Medical School.’ An amount equal to $500,000 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.285 (1) (k) of the statutes for the purpose of purchasing a digital mammography machine for the University of Wisconsin–Madison Medical School.

15. ‘Higher educational aids board.’ An amount equal to $168,300 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.235 (1) (kt) of the statutes, as created by this act, for the purpose of upgrading technology at the higher educational aids board.

(b) Wisconsin geographical education program. If the secretary of administration makes the determination under paragraph (a) (intro.) and determines that the National Geographical Society Education Foundation has provided the matching funds described in section 115.28 (42) (a) of the statutes, as created by this act, on the effective date of this paragraph or on the date that the secretary makes the determination under this paragraph, whichever is later, an
amount equal to $500,000 is transferred from the appropriation account under section 20.505 (1) (j) of the statutes to the appropriation account under section 20.255 (1) (ke) of the statutes, for the purpose of making a grant to the National Geographical Society Education Foundation for the geographical education program established under section 115.28 (42) of the statutes, as created by this act.

(11) POSITION AUTHORIZATION. The authorized FTE positions for the department of administration are increased by 1.0 PR position for the performance of duties primarily related to printing services in the division of information technology services.

(12) TRANSFER OF CAPACITY BUILDING GRANT PROGRAM.

(a) Tangible personal property. On the effective date of this paragraph, all tangible personal property, including records, of the department of administration that is primarily related to the capacity building grant program, as determined by the secretary of administration, is transferred to the technical college system board.

(b) Contracts. All contracts entered into by the department of administration in effect on the effective date of this paragraph that are primarily related to the capacity building grant program, as determined by the secretary of administration, remain in effect and are transferred to the technical college system board. The technical college system board shall carry out any obligations under such a contract until the contract is modified or rescinded by the technical college system board to the extent allowed under the contract.

(c) Rules. All rules promulgated by the department of administration that are primarily related to the capacity building grant program, as determined by the secretary of administration, and that are in effect on the effective date of this
paragraph remain in effect until their specified expiration date or until amended or
repealed by the technical college system board.

(d) Pending matters. Any matter pending with the department of
administration on the effective date of this paragraph that is primarily related to the
capacity building grant program, as determined by the secretary of administration,
is transferred to the technical college system board and all materials submitted to
or actions taken by the department of administration with respect to the pending
matter are considered as having been submitted to or taken by the technical college
system board.

(13) Misdemeanor offender diversion program. The secretary of
administration may allocate up to $2,000,000 in fiscal year 2002–03 from the
appropriation accounts under section 20.505 (6) (kp) and (m) of the statutes for
distribution to the public defender board, the director of state courts, and the
Wisconsin District Attorneys Association to fund activities to divert misdemeanor
offenders from imprisonment. No expenditure of the amount allocated under this
subsection may be made except upon approval of the department of administration
of a proposal for diversion programs submitted to the department of administration
by the public defender board.

(14) Electronic procurement and commerce activities. The department of
administration shall report to the governor and the cochairpersons of the joint
committee on finance concerning the status of the electronic procurement and
commerce activities of the department. The department shall include in the report
an assessment of the costs and benefits of those activities for the 2002–03 fiscal year
and an assessment of the effectiveness of state executive branch agencies in
increasing the volume of those activities.
(15) Transfer of information technology and telecommunications functions.

(a) Assets and liabilities. On the effective date of this paragraph, the assets and liabilities of the department of administration that are primarily related to its information technology or telecommunications functions, except educational technology functions, as determined by the secretary of administration, shall become assets and liabilities of the department of electronic government, as created by this act.

(b) Positions and employees.

1. On the effective date of this subdivision, all full-time equivalent positions in the department of administration having duties that are primarily related to its information technology or telecommunications functions, except educational technology functions, as determined by the secretary of administration, are transferred to the department of electronic government, as created by this act.

2. All incumbent employees holding positions specified in subdivision 1. are transferred on the effective date of this subdivision to the department of electronic government, as created by this act.

3. Employees transferred under subdivision 2. have all of the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of electronic government, as created by this act, that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(c) Tangible personal property. On the effective date of this paragraph, all tangible personal property, including records, of the department of administration
that is primarily related to its information technology or telecommunications
functions, except educational technology functions, as determined by the secretary
of administration, is transferred to the department of electronic government, as
created by this act.

(d) Contracts. All contracts entered into by the department of administration
in effect on the effective date of this paragraph that are primarily related to its
information technology or telecommunications functions, except educational
technology functions, as determined by the secretary of administration, are
transferred to the department of electronic government, as created by this act. The
department of electronic government shall carry out any contractual obligations
under such a contract until the contract is modified or rescinded by the department
of electronic government to the extent allowed under the contract.

(e) Rules and orders. All rules promulgated by the department of
administration that are primarily related to its information technology or
telecommunications functions, except educational technology functions, and that
are in effect on the effective date of this paragraph remain in effect until their
specified expiration dates or until amended or repealed by the department of
electronic government, as created by this act. All orders issued by the department
of administration that are primarily related to its information technology or
telecommunications functions, except educational technology functions, and that
are in effect on the effective date of this paragraph remain in effect until their
specified expiration dates or until modified or rescinded by the department of
electronic government, as created by this act.

(f) Pending matters. Any matter pending with the department of
administration that is primarily related to its information technology or
telecommunications functions, except educational technology functions, on the 
effective date of this paragraph is transferred to the department of electronic 
government, as created by this act, and all materials submitted to or actions taken 
by the department of administration with respect to the pending matter are 
considered as having been submitted to or taken by the department of electronic 
government, as created by this act.

(16) **TRANSFER OF NATIONAL AND COMMUNITY SERVICE BOARD.**

(a) **Assets and liabilities.** On the effective date of this paragraph, the assets and 
liabilities of the department of administration primarily related to the functions of 
the national and community service board, as determined by the secretary of 
administration, shall become the assets and liabilities of the department of 
workforce development.

(b) **Positions and employees.**

1. The authorized FTE positions for the department of administration, funded 
from the appropriation under section 20.505 (4) (o), 1999 stats., are decreased by 3.0 
FED positions on the effective date of this subdivision for the functions of the 
national community service board under section 16.22, 1999 stats.

2. The authorized FTE positions for the department of workforce development, 
funded from the appropriation under section 20.445 (6) (n) of the statutes, as affected 
by this act, are increased by 3.0 FED positions on the effective date of this subdivision 
for the functions of the national and community service board under section 106.22 
of the statutes, as affected by this act.

3. All incumbent employees holding positions specified in subdivision 1. are 
transferred on the effective date of this subdivision to the department of workforce 
development.
4. Employees transferred under subdivision 3. have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of workforce development that they enjoyed in the department of administration immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(c) Tangible personal property. On the effective date of this paragraph, all tangible personal property, including records, of the department of administration that is primarily related to the functions of the national and community service board, as determined by the secretary of administration, is transferred to the department of workforce development.

(d) Contracts. All contracts entered into by the department of administration in effect on the effective date of this paragraph that are primarily related to the functions of the national and community service board, as determined by the secretary of administration, remain in effect and are transferred to the department of workforce development. The department of workforce development shall carry out any contractual obligations under such a contract until the contract is modified or rescinded by the department of workforce development to the extent allowed under the contract.

(17) Study on facility construction plans. By June 30, 2002, the department of administration shall conduct and present to the governor and to the secretary of administration a study that reviews the separate responsibilities of the department of health and family services and the department of commerce to review capital construction and remodeling plans of nursing homes, community-based residential
facilities, hospitals, and other medical facilities. The study shall address the feasibility of centralizing the construction plan reviews in one of the departments.

(18) RAILROAD CROSSING HEARINGS. The authorized FTE positions for the department of administration are increased by 1.0 GPR attorney position on the effective date of this subsection, to be funded from the appropriation under section 20.505 (4) (f) of the statutes, for providing services relating to railroad crossing hearings.

(19) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. Notwithstanding section 15.105 (8) of the statutes, as created by this act, 2 of the initial members of the board on education evaluation and accountability shall serve for terms expiring on May 1, 2003; and 3 of the initial members shall serve for terms expiring on May 1, 2005.

SECTION 9102. Nonstatutory provisions; adolescent pregnancy prevention and pregnancy services board.

SECTION 9103. Nonstatutory provisions; aging and long-term care board.

SECTION 9104. Nonstatutory provisions; agriculture, trade and consumer protection.

(1) AGRICULTURAL PRODUCER SECURITY COUNCIL. Notwithstanding the length of terms specified for the members of the agricultural producer security council under section 15.137 (1) (a) of the statutes, as created by this act, the initial members shall be appointed for terms expiring on July 1, 2005.

(2) AGRICULTURAL PRODUCER SECURITY TRANSITION.
(a) Vegetable contractors. Notwithstanding Section 9404 (1) of this act, chapter 126 of the statutes, as created by this act, does not apply with respect to vegetable contractors until February 1, 2002, except as follows:

1. All registration fees and surcharges paid under section 100.03 (3), 1999 stats., after December 31, 2001, shall be deposited in the agricultural producer security fund.

2. A vegetable contractor applying for a license for the license year that begins on February 1, 2002, shall submit an application that complies with section 126.56 of the statutes, as created by this act.

(b) Milk contractors. Notwithstanding Section 9404 (1) of this act, chapter 126 of the statutes, as created by this act, does not apply with respect to milk contractors until May 1, 2002, except as follows:

1. All milk producer security fees paid under section 100.06 (9), 1999 stats., after December 31, 2001, shall be deposited in the agricultural producer security fund.

2. A milk contractor applying for a license for the license year that begins on May 1, 2002, shall submit an application that complies with section 126.41 of the statutes, as created by this act.

(c) Grain dealers and warehouse keepers. Notwithstanding Section 9404 (1) of this act, chapter 126 of the statutes, as created by this act, does not apply with respect to grain dealers and grain warehouse keepers until September 1, 2002, except as follows:

1. All license fees and surcharges paid under chapter 127, 1999 stats., after December 31, 2001, shall be deposited in the agricultural producer security fund.
2. A grain dealer applying for a license for the license year that begins on September 1, 2002, shall submit an application that complies with section 126.11 of the statutes, as created by this act.

3. A grain warehouse keeper applying for a license for the license year that begins on September 1, 2002, shall submit an application that complies with section 126.26 of the statutes, as created by this act.

SECTION 9105. Nonstatutory provisions; arts board.

SECTION 9106. Nonstatutory provisions; boundary area commission, Minnesota–Wisconsin.

SECTION 9107. Nonstatutory provisions; building commission.

SECTION 9108. Nonstatutory provisions; child abuse and neglect prevention board.

SECTION 9109. Nonstatutory provisions; circuit courts.

SECTION 9110. Nonstatutory provisions; commerce.

(1) GRANT FOR LINCOLN PARK CENTER. From the appropriation under section 20.143 (1) (kj) of the statutes, as affected by this act, the department of commerce may make a grant of up to $1,000,000 to the M7 Development Corporation for constructing a multipurpose center at Lincoln Park in the city of Milwaukee. The department of commerce may not award any grant proceeds under this subsection unless the M7 Development Corporation provides funding for the project from the city of Milwaukee in an amount that is at least equal to the grant amount. If the department of commerce makes a grant under this subsection, the department shall enter into an agreement with the M7 Development Corporation that provides for, among other things, reporting and auditing requirements.
(2) Grants to Chippewa Valley Technical College. From the appropriation
under section 20.143 (1) (kj) of the statutes, as affected by this act, the department
of commerce may make grants of up to $250,000 in fiscal year 2001−02 and up to
$250,000 in fiscal year 2002−03 to the Chippewa Valley Technical College for a health
care education center. If the department of commerce makes a grant under this
subsection, the department of commerce shall enter into an agreement with the
Chippewa Valley Technical College that specifies the uses for the grant proceeds and
reporting and auditing requirements.

(3) Manufactured Building Code.

(a) Definitions. In this subsection:

1. “Installation” has the meaning given in section 101.71 (4) of the statutes.

2. “Manufactured building” has the meaning given in section 101.71 (6) of the
statutes.

3. “Municipality” has the meaning given in section 101.761 (1) of the statutes.

(b) Building permit not required. Notwithstanding section 101.761 (2m) of the
statutes, as created by this act, a person is not required to obtain a building permit
for installation of a manufactured building in a municipality, if the installation
begins before the effective date of this paragraph and if, at the time that the
installation begins, the municipality is exempt under section 101.761 (2), 1999 stats.,
the municipality has not enacted an ordinance requiring a building permit for the
installation, the municipality does not jointly exercise jurisdiction with a political
subdivision that requires a building permit for the installation, and the municipality
has not requested a county or the department of commerce to provide building permit
services under section 101.761 (3), 1999 stats.
(4) **Dwelling Code Council.** Notwithstanding the length of terms specified for members of the dwelling code council appointed under section 15.157 (3) of the statutes, as affected by this act, the member appointed under that section as a representative of remodeling contractors shall be initially appointed for a term expiring on July 1, 2004.

(5) **Employee Transfer.** On the effective date of this subsection, 1.0 FTE GPR position in the department of commerce, funded from the appropriation under section 20.143 (1) (a) of the statutes and primarily related to rural policy development, as determined by the secretary of administration, and the incumbent employee holding that position, is transferred to the office of the governor, to be funded from the appropriation under section 20.525 (1) (a) of the statutes, for the purpose of rural policy development.

(6) **Regulatory Flexibility.** There is created a regulatory flexibility committee, which shall consist of 10 members appointed by the governor. At least one member of the committee shall be appointed from a list of nominees submitted by the Wisconsin chapter of the National Federation of Independent Businesses. At least one member of the committee shall be appointed from a list of nominees submitted by Wisconsin Manufacturers and Commerce. The governor shall designate one of the members of the committee as the chairperson. The chairperson shall set the date for the first meeting. A majority of the committee constitutes a quorum to do business. The committee members shall be reimbursed for their actual and necessary expenses incurred while performing their duties as committee members. The committee shall issue a report, which may include recommendations for legislation, to the governor and to the legislature for distribution to the appropriate standing committees in the manner provided in section 13.172 (3) of the statutes. The department of commerce
shall provide staff support and any assistance necessary for the committee to complete its report. The committee shall cease to exist when the committee has submitted the report required under this section or on September 1, 2002, whichever occurs sooner. The committee shall include discussions of all of the following in its report:

(a) How to require an agency to consider the direct and indirect impacts of rules proposed by the agency.

(b) Whether judicial enforcement of section 227.114 of the statutes is appropriate or sufficient.

(c) What provisions are available or are needed to enable a business to challenge an agency’s regulatory flexibility analysis prepared under section 227.19 (3) (e) of the statutes.

(d) What additional authority is appropriate and necessary for the Joint Committee for Review of Administrative Rules to suspend or modify a proposed or existing agency rule.

(e) What action needs to be taken by what agencies to develop a no-fault audit program and a compliance assistance program.

(f) What grace periods are appropriate during which a business may correct a rule or statutory violation before being assessed a fine or forfeiture.

(g) Whether an agency should consider a small business’s ability to pay when assessing a fine or forfeiture against that business.

(h) What action needs to be taken, and by what agencies, to develop a program that allows a business to pay a fine or forfeiture in installments.

SECTION 9110. Nonstatutory provisions; corrections.

(1) YOUTH DIVERSION PROGRAM.
(a) **Assets and liabilities.** On the effective date of this paragraph, the assets and liabilities of the department of corrections primarily related to the youth diversion from gang activities program under section 301.265, 1999 stats., as determined by the secretary of administration, shall become the assets and liabilities of the department of administration.

(b) **Positions and employees.**

1. The authorized FTE positions for the department of corrections, funded from the appropriation under section 20.410 (3) (a) of the statutes, are decreased by 1.5 GPR positions on the effective date of this subdivision for the youth diversion from gang activities program under section 301.265, 1999 stats.

2. The authorized FTE positions for the department of administration, funded from the appropriation under section 20.505 (6) (a) of the statutes, as affected by this act, are increased by 1.5 GPR positions on the effective date of this subdivision for the youth diversion from gang activities program under section 16.964 (8) of the statutes, as affected by this act.

3. The authorized FTE positions for the department of corrections, funded from the appropriation under section 20.410 (3) (hm) of the statutes, are decreased by 0.5 PR position on the effective date of this subdivision for the youth diversion from gang activities program under section 301.265, 1999 stats.

4. The authorized FTE positions for the department of administration, funded from the appropriation under section 20.505 (6) (k) of the statutes, as affected by this act, are increased by 0.5 PR position on the effective date of this subdivision for the youth diversion from gang activities program under section 16.964 (8) of the statutes, as affected by this act.
5. On the effective date of this subdivision, all incumbent employees holding the positions specified in subdivisions 1. and 3. are transferred to the department of administration.

(c) Employee status. Employees transferred under paragraph (b) 5. have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the department of corrections immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) Tangible personal property. On the effective date of this paragraph, all tangible personal property, including records, of the department of corrections that is primarily related to the youth diversion from gang activities program under section 301.265, 1999 stats., as determined by the secretary of administration, is transferred to the department of administration.

(e) Pending matters. Any matter pending with the department of corrections on the effective date of this paragraph that is primarily related to the youth diversion from gang activities program under section 301.265, 1999 stats., as determined by the secretary of administration, is transferred to the department of administration. All materials submitted to or actions taken by the department of corrections with respect to the pending matter are considered as having been submitted to or taken by the department of administration.

(f) Contracts. All contracts entered into by the department of corrections in effect on the effective date of this paragraph that are primarily related to the youth diversion from gang activities program under section 301.265, 1999 stats., as determined by the secretary of administration, remain in effect and are transferred
to the department of administration. The department of administration shall carry out any obligations under those contracts unless modified or rescinded by the department of administration to the extent allowed under the contract.

(g) Rules and orders. All rules promulgated by the department of corrections in effect on the effective date of this paragraph that are primarily related to the youth diversion from gang activities program under section 301.265, 1999 stats., remain in effect until their specified expiration date or until amended or repealed by the department of administration. All orders issued by the department of corrections in effect on the effective date of this paragraph that are primarily related to the youth diversion from gang activities program under section 301.265, 1999 stats., remain in effect until their specified expiration date or until modified or rescinded by the department of administration.

(2) Report on educational technology savings. The department of corrections shall submit a report to the department of administration by June 30, 2002, that specifies any funding the department of corrections saved because secured correctional facilities received grants or subsidies from the technology for educational achievement in Wisconsin board.

SECTION 9112. Nonstatutory provisions; court of appeals.

SECTION 9113. Nonstatutory provisions; district attorneys.

SECTION 9114. Nonstatutory provisions; educational communications board.

SECTION 9115. Nonstatutory provisions; elections board.

SECTION 9116. Nonstatutory provisions; employee trust funds.

SECTION 9117. Nonstatutory provisions; employment relations commission.
SECTION 9118. Nonstatutory provisions; employment relations department.

SECTION 9119. Nonstatutory provisions; ethics board.

SECTION 9120. Nonstatutory provisions; financial institutions.

(1) Emergency rules; universal banking. Except as otherwise provided in this subsection, using the procedure under section 227.24 of the statutes, the division of banking may promulgate rules authorized under chapter 222 of the statutes, as created by this act, for the period before permanent rules become effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the division of banking is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. This subsection does not apply to the promulgation of rules under section 222.0413 (2) (b) of the statutes, as created by this act.

(2) Fees charged by the department of financial institutions. Notwithstanding sections 178.48 (2) and (3), 179.16 (5), 179.88, 180.0122 (1) (z), (2), and (4), 181.0122 (1) (zm), (2), and (4), 182.01 (4), 183.0114 (1) (t) and (u), and 185.83 (1) (d), (f), (fm), and (h) of the statutes, as affected by this act, the department of financial institutions shall continue to charge and collect the fees established under sections 178.48 (2) and (3), 179.16 (5), 179.88, 180.0122 (1) (z), (2), and (4), 181.0122 (1) (zm), (2), and (4), 182.01 (4), 183.0114 (1) (t) and (u), and 185.83 (1) (f), (fm), and (h), 1999 stats., until the department has promulgated rules under section 182.01 (4)
of the statutes, as affected by this act. This subsection shall not apply after December
31, 2002.

SECTION 9121. Nonstatutory provisions; governor.

(1) ASSISTANCE FROM DEPARTMENT OF WORKFORCE DEVELOPMENT. The repeal of
1999 Wisconsin Act 9, sections 11ac and 593ac, by this act applies notwithstanding
section 990.03 (3) of the statutes.

SECTION 9122. Nonstatutory provisions; Health and Educational
Facilities Authority.

SECTION 9123. Nonstatutory provisions; health and family services.

(1) COURT-ORDERED RELATIVE PLACEMENT PERMANENCY PLANS. Notwithstanding
sections 48.38 (3) and 938.38 (3) of the statutes, for children or juveniles who are
living in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of the
statutes, under an order of the court assigned to exercise jurisdiction under chapters
48 and 938 of the statutes, as affected by this act, on the day before the effective date
of this subsection, the agency assigned primary responsibility for providing services
to those children or juveniles under section 48.355 or 938.355 of the statutes shall
file a permanency plan with that court with respect to not less than 33% of those
children or juveniles by November 1, 2001, with respect to not less than 67% of those
children or juveniles by January 1, 2002, and with respect to all of those children or
juveniles by March 1, 2002, giving priority to those children or juveniles who have
been living in the home of a relative for the longest period of time. Notwithstanding
section 48.38 (5) (a) of the statutes, as affected by this act, and section 938.38 (5) (a)
of the statutes, as affected by this act, a permanency plan filed under this subsection
shall be reviewed within 6 months after the date on which the permanency plan is
filed.
(2) Relative Guardianships. Notwithstanding section 48.977 (2) (a), 1999
stats., a petition under section 48.977 (4) of the statutes, as affected by this act, may
be filed for the appointment of a relative as the guardian of the person of a child who
has been placed, or continued in a placement, outside of his or her home for less than
one year on the effective date of this subsection.

(3) Children's Home and Community-Based Waiver.

(a) The department of health and family services shall request a waiver of
federal medical assistance statutes and regulations from the federal department of
health and human services that are necessary to provide to disabled individuals
under 24 years of age, under one program, with uniform administration and service
delivery, the services available under sections 46.27 (11), 46.275, 46.277, 46.278,
46.985, and 51.44 of the statutes.

(b) If the department of health and family services receives the waiver under
paragraph (a), the department shall seek enactment of statutory language to
implement the waiver within the limits of available federal, state, and county funds.

(4) Adolescent Pregnancy Prevention and Pregnancy Services Board.

(a) Assets and liabilities. On the effective date of this paragraph, the assets and
liabilities of the department of health and family services that are primarily related
to the functions of the adolescent pregnancy prevention and pregnancy services
board, as determined by the secretary of administration, shall become the assets and
liabilities of the department of administration.

(b) Tangible personal property. On the effective date of this paragraph, all
tangible personal property, including records, of the department of health and family
services that is primarily related to the functions of the adolescent pregnancy
prevention and pregnancy services board, as determined by the secretary of
administration, is transferred to the department of administration.

(5) **Kinship care background reviews.** The repeal of 1997 Wisconsin Act 27,
sections 1622d, 1623d, 1624d, and 9423 (10f) and 1997 Wisconsin Act 252, sections
51, 53, and 201 (1), by this act applies notwithstanding section 990.03 (3) of the
statutes.

(6) **Medical assistance eligibility position increases.**

(a) On the effective date of this paragraph, the authorized FTE positions for the
department of health and family services are increased by 5.18 GPR positions, to be
funded from the appropriation under section 20.435 (4) (a) of the statutes, as affected
by the acts of 2001.

(b) On the effective date of this paragraph, the authorized FTE positions for the
department of health and family services are increased by 1.82 FED positions, to be
funded from the appropriation under section 20.435 (4) (n) of the statutes, as affected
by the acts of 2001.

(7) **Badger care health care program waiver; insurance verification.** Not later than January 1, 2002, the department of health and family services shall
request a waiver from the federal secretary of health and human services to permit
the department to verify whether a family, or child who does not reside with a parent,
has access or has had access to employer-subsidized health care within the time
period established under section 49.665 (4) (a) 3. of the statutes, prior to enrolling
the family or child in the badger care health care program under section 49.665 of
the statutes.

(8) **Badger care health care program waiver; eligibility.** Not later than
January 1, 2002, the department of health and family services shall request a waiver
from the federal secretary of health and human services to increase the period of time
that a family, or a child who does not reside with a parent, is required to be without
access to employer−subsidized health care coverage before the family or child is
eligible for the badger care health care program under section 49.665 of the statutes.
The waiver shall request that the period of time be increased to all of the following:
(a) Except as provided in paragraphs (b), (c), and (d), 6 months.
(b) If the family or child had access to employer−subsidized health care
coverage during the 6 months immediately preceding the date on which the family
or child applies for the badger care health care program, but the family or child no
longer has access to the health care because the coverage was terminated, and the
termination was not the fault of the family or child, as determined by the department
of health and family services, 45 days.
(c) If the family or child had access to employer−subsidized health care
coverage during the 6 months immediately preceding the date on which the family
or child applies for the badger care health care program, but the family or child no
longer has access to the health care because the family or child has exhausted the
health care coverage available under 42 USC 300bb−1 to 300bb−8 as provided in 29
CFR 2590.701−2 (4), at least 3 months.
(d) If the family or child had access to employer−subsidized health care
coverage during the 6 months immediately preceding the date on which the family
or child applies for the badger care health care program, but the family or child no
longer has access to health care because of the termination of employment, at least
3 months.

SECTON 9124. Nonstatutory provisions; higher educational aids
board.
SECTION 9125. Nonstatutory provisions; historical society.

SECTION 9126. Nonstatutory provisions; Housing and Economic Development Authority.

SECTION 9127. Nonstatutory provisions; insurance.

SECTION 9128. Nonstatutory provisions; investment board.

SECTION 9129. Nonstatutory provisions; joint committee on finance.

SECTION 9130. Nonstatutory provisions; judicial commission.

SECTION 9131. Nonstatutory provisions; justice.

(1) Transfer of department of justice consumer protection legal services to the department of agriculture, trade and consumer protection.

(a) Assets and liabilities. On the effective date of this paragraph, the assets and liabilities of the department of justice that are primarily related to the provision of consumer protection legal services, as determined by the secretary of administration, shall become the assets and liabilities of the department of agriculture, trade and consumer protection.

(b) Position increases. The authorized FTE positions for the department of justice are decreased by 9.30 GPR positions, funded from the appropriation under section 20.455 (1) (a) of the statutes, for the performance of duties primarily related to consumer protection legal services.

(c) Employee transfers. There are transferred from the department of justice to the department of agriculture, trade and consumer protection 9.30 FTE incumbent employees holding positions in the department of justice performing duties primarily related to consumer protection legal services.

(d) Employee status. Employees transferred under paragraph (c) have the same rights and status under subchapter V of chapter 111 and chapter 230 of the
statutes in the department of agriculture, trade and consumer protection that they
enjoyed in the department of justice immediately before the transfer.

Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
has attained permanent status in class is required to serve a probationary period.

(e) **Tangible personal property.** On the effective date of this paragraph, all
tangible personal property, including records, of the department of justice that is
primarily related to the provision of consumer protection legal services, as
determined by the secretary of administration, shall be transferred to the
department of agriculture, trade and consumer protection.

(f) **Contracts.** All contracts entered into by the department of justice in effect
on the effective date of this paragraph that are primarily related to the provision of
consumer protection legal services, as determined by the secretary of
administration, remain in effect and are transferred to the department of
agriculture, trade and consumer protection. The department of agriculture, trade
and consumer protection shall carry out any such contractual obligations unless
modified or rescinded by the department of agriculture, trade and consumer
protection to the extent allowed under the contract.

(g) **Rules and orders.** All rules promulgated by the department of justice that
are primarily related to the provision of consumer protection legal services, as
determined by the secretary of administration, and that are in effect on the effective
date of this paragraph remain in effect until their specified expiration dates or until
amended or repealed by the department of agriculture, trade and consumer
protection. All orders issued by the department of justice that are primarily related
to the provision of consumer protection legal services, as determined by the secretary
of administration, and that are in effect on the effective date of this paragraph
SECTION 9131

remain in effect until their specified expiration dates or until modified or rescinded
by the department of agriculture, trade and consumer protection.

(h) Pending matters. Any matter pending with the department of justice on the
effective date of this paragraph that is primarily related to the provision of consumer
protection legal services, as determined by the secretary of administration, is
transferred to the department of agriculture, trade and consumer protection and all
materials submitted to or actions taken by the department of justice with respect to
the pending matter are considered as having been submitted to or taken by the
department of agriculture, trade and consumer protection.

SECTION 9132. Nonstatutory provisions; legislature.

(1) Review of KETTL Commission report. The joint committee on legislative
organization is requested to review the report issued by the Commission on
State–Local Partnerships for the 21st Century as it relates to the state aid to counties
for human services and justice services. The committee is requested to make
recommendations to the legislature based on that review, including
recommendations regarding all of the following issues:

(a) Which, if any, human services and justice services should become the state’s
responsibility.

(b) What should be the timetable for any state takeover of any human services
and justice services.

(c) What performance outcomes should be established for any human services
and justice services assumed by the state.

(d) What state or local agency or department or other entity should deliver the
human services and justice services assumed by the state.
(e) How would the state fund any human services and justice services assumed by the state, considering the funds currently available to the counties for these services under the shared revenue program.

(f) Whether any of these human services and justice services should be provided by a private agency or business.

SECTION 9133. Nonstatutory provisions; lieutenant governor.

SECTION 9134. Nonstatutory provisions; lower Wisconsin state riverway board.

SECTION 9135. Nonstatutory provisions; Medical College of Wisconsin.

SECTION 9136. Nonstatutory provisions; military affairs.

(1) REPORT ON BADGER CHALLENGE PROGRAM AND YOUTH CHALLENGE PROGRAM.

Notwithstanding section 16.42 (1) of the statutes, the department of military affairs shall include, as part of its 2003–05 biennial budget request that it submits to the department of administration, a report on the effectiveness of the Badger Challenge program under section 21.25 of the statutes and of the Youth Challenge program under section 21.26 of the statutes.

SECTION 9137. Nonstatutory provisions; natural resources.

(1) DRY CLEANER ENVIRONMENTAL RESPONSE PROGRAM DEDUCTIBLE. The department of natural resources shall identify any award made under section 292.65 of the statutes using the deductible under section 292.65 (8) (e) 3., 1999 stats., and recalculate the award using the deductible under section 292.65 (8) (e) of the statutes, as affected by this act. Before July 1, 2002, the department shall pay to the recipient the difference between the amount of the original award and the amount as recalculated under this subsection.
(2) Fox River Navigational System Authority; initial terms. Notwithstanding the length of terms of the members of the board of directors of the authority specified in section 237.02 (1) (a) of the statutes, as created by this act, the initial members shall be appointed for the following terms:

(a) Three members for a term that expires on July 1, 2004.

(b) Three members for a term that expires on July 1, 2005.

(3) Financial assistance for regional recycling programs. On or before September 15, 2002, the department of natural resources shall submit to the department of administration a proposal for changing the method for determining the amount of financial assistance provided under section 287.23 of the statutes to encourage regional recycling programs.

(4) Regional recycling program grants. Using the procedure under section 227.24 of the statutes, the department of natural resources may promulgate the rules required under section 287.24 (4) of the statutes, as created by this act, for the period before the effective date of the permanent rule promulgated under section 287.24 (4) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(5) State trails plan. The department of natural resources shall, no later than July 1, 2002, submit to the governor a plan to accomplish the objective of connecting
all trails that are designated as state trails under section 23.175 of the statutes on
the effective date of this subsection. The plan shall contain all of the following:

(a) A requirement that the department of natural resources work cooperatively
with other state agencies, political subdivisions, federal agencies, and
nongovernmental organizations to accomplish the plan’s objective and a method for
obtaining this cooperation.

(b) An implementation schedule for accomplishing the plan’s objective.

(c) A completion date by which the state trails that are covered by the plan will
be connected.

(d) A description of the costs that will be incurred in connecting the state trails
covered by the plan.

(e) A description of how the costs under paragraph (d) will be funded.

SECTION 9138. Nonstatutory provisions; personnel commission.

SECTION 9139. Nonstatutory provisions; public defender board.

(1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The public defender board, in
consultation with the director of state courts and the Wisconsin District Attorneys
Association, shall develop alternative charging and sentencing options for
misdemeanor crimes in order to divert misdemeanor offenders from imprisonment,
and shall submit a proposal describing the recommended options to the department
of administration by July 1, 2002. The proposal shall address, among other topics,
alternative charging and sentencing options for nonviolent crimes against property.
Upon approval of the proposal by the department of administration, the public
defender board and the director of state courts shall implement, in conjunction with
the Wisconsin District Attorneys Association, the portions of the proposal that are
permitted under state statutes or rules.
SECTION 9140. Nonstatutory provisions; public instruction.

(1) Estimate of mentor costs. By July 1, 2003, the department of public instruction shall submit to the department of administration and the legislative fiscal bureau an estimate of the costs of requiring school districts to provide a qualified mentor for each person who holds an initial educator license, as provided under section PI 34.17 (2) (c), Wisconsin Administrative Code.

(2) Commencement of school term; study.

(a) Notwithstanding section 118.045 (3) of the statutes, as affected by this act, a public school may not conduct classes on August 31, 2001, or on August 30, 2002.

(b) There is created a committee to study the educational and economic effects of prohibiting school districts from beginning the school term until September 1. The committee shall consist of 9 members appointed by the governor. One member shall be a teacher licensed by the department of public instruction; one member shall be a parent of a pupil enrolled in a public school in this state; one member shall be a school board member selected from a list of nominees submitted by the Wisconsin School Boards Association; one member shall be a school district administrator selected from a list of nominees submitted by the Wisconsin Association of School District Administrators; one member shall be an employer selected from a list of nominees submitted by Wisconsin manufacturers and commerce; one member shall be a person selected from a list of nominees submitted by the Wisconsin Restaurant Association; one member shall be a person selected from a list of nominees submitted by the Wisconsin Tourism Association; one member shall be a member of the general public; and one member shall be the secretary of commerce or his or her designee. The governor shall name the chairperson of the committee. By December 1, 2002, the committee shall report its findings and recommendations to the governor and to
the legislature in the manner provided in section 13.172 (2) of the statutes. The
committee terminates on the date it submits its findings and recommendations.

(3) **Review of the Department’s Rules.**

(a) There is created a committee for the review of rules promulgated by the
department of public instruction. The committee shall consist of the following
members appointed by the governor:

1. Three school board members selected from names submitted by the
   Wisconsin Association of School Boards.

2. Three school district administrators selected from names submitted by the
   Wisconsin Association of School District Administrators.

3. Three teachers selected from names submitted by organizations
   representing teachers.

4. Two other members, one of whom is the parent of a school-aged child.

(b) The governor shall name the chairperson of the committee. The department
    of public instruction shall provide staff for the committee.

(c) The committee shall review all of the administrative rules promulgated by
    the department of public instruction other than rules relating to special education
    and health and safety issues. The committee shall identify those rules that are
    outmoded, impede innovation, cause inefficiencies, or fail to promote academic
    achievement, and those rules that should not apply to school districts that are
    designated as school districts with expanded flexibility under section 118.39 of the
    statutes, as created by this act. By August 1, 2002, the committee shall submit to
    the governor, the department of public instruction, the secretary of administration,
    and the legislature in the manner provided under section 13.172 (2) of the statutes,
a report recommending modifications to the rules. The committee terminates upon submission of its report.

(d) The department of public instruction shall review the committee’s report. By March 1, 2003, the department shall submit to the legislative council staff under section 227.15 (1) of the statutes proposed modifications to the rules based on the committee’s recommendations.

(4) Reorganization of department.

(a) In consultation with the secretary of administration, the state superintendent of public instruction shall develop a plan for reorganizing the division for learning support and instructional services in the department of public instruction in order to enhance the department’s ability to support the improvement of schools. The plan shall do all of the following:

1. Establish in the division for learning support and instructional services a bureau for school improvement composed of staff in that division and federally funded staff in the division for learning support, equity, and advocacy.

2. Organize the bureau for school improvement into multidisciplinary school improvement teams to provide on-site, technical assistance to school districts, especially to school districts and schools that are identified as low in performance under section 115.38 of the statutes, as affected by this act.

3. Include on each school improvement team licensed teachers who are employed by school districts and temporarily assigned to the department.

4. Ensure that the department has the resources and staff necessary to assist school districts in developing and implementing decentralized school governance plans.
(b) By March 15, 2002, the department of public instruction shall submit the
reorganization plan under paragraph (a) to the governor and to the secretary of
administration.

(c) Of the amount appropriated to the department of public instruction under
section 20.255 (1) (a) of the statutes in the 2002−03 fiscal year, the department shall
allocate $700,000 for the purpose of contracting with school districts for the services
of licensed teachers under section 115.385 (3) of the statutes, as created by this act.
The department of public instruction may not encumber or expend the money so
allocated unless the secretary of administration determines that the reorganization
plan under paragraph (a) has been implemented.

(5) School performance committee. There is created a school performance
committee, composed of 3 employees of the department of public instruction,
appointed by the state superintendent of public instruction, and 3 members
appointed by the governor. The governor shall appoint the committee’s chair. The
committee shall develop criteria for awarding grants under section 115.415 of the
statutes, as created by this act, and shall submit the proposed criteria to the
department of public instruction no later than June 30, 2002. The committee
terminates on June 30, 2002, or the date by which it submits the proposed criteria,
whichever is earlier.

(6) Transfer of functions to board on education evaluation and
accountability.

(a) Assets and liabilities. On the effective date of this paragraph, the assets and
liabilities of the department of public instruction primarily related to the functions
under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
determined by the secretary of administration, become the assets and liabilities of
the board on education evaluation and accountability.

(b) Employee transfers. All incumbent employees holding positions in the
department of public instruction performing duties primarily related to the
functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
determined by the secretary of administration, are transferred on the effective date
of this paragraph to the board on education evaluation and accountability.

(c) Employee status. Employees transferred under paragraph (b) have all the
rights and the same status under subchapter V of chapter 111 and chapter 230 of the
statutes in the board on education evaluation and accountability that they enjoyed
in the department of public instruction immediately before the transfer.
Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
has attained permanent status in class is required to serve a probationary period.

(d) Tangible personal property. On the effective date of this paragraph, all
tangible personal property, including records, of the department of public instruction
that is primarily related to the functions under sections 115.38, 118.30, 118.43 (7),
and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, is
transferred to the board on education evaluation and accountability.

(e) Contracts. All contracts entered into by the department of public instruction
in effect on the effective date of this paragraph that are primarily related to the
functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
determined by the secretary of administration, remain in effect and are transferred
to the board on education evaluation and accountability. The board on education
evaluation and accountability shall carry out any obligations under such a contract
until the contract is modified or rescinded by the board on education evaluation and accountability to the extent allowed under the contract.

(f) Rules and orders. All rules promulgated by the department of public instruction that are in effect on the effective date of this paragraph and that relate to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, are transferred to the board on education evaluation and accountability and remain in effect until their specified expiration date or until amended or repealed by the board on education evaluation and accountability. All orders issued by the department of public instruction that are in effect on the effective date of this paragraph and that relate to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, are transferred to the board on education evaluation and accountability and remain in effect until their specified expiration date or until modified or rescinded by the board on education evaluation and accountability.

(g) Pending matters. Any matter pending with the department of public instruction on the effective date of this paragraph that is related to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, is transferred to the board on education evaluation and accountability and all materials submitted to or actions taken by the department of public instruction with respect to the pending matter are considered as having been submitted to or taken by the board on education evaluation and accountability.

SECTION 9141. Nonstatutory provisions; public lands, board of commissioners of.

SECTION 9142. Nonstatutory provisions; public service commission.
(1) **Employee Transfer.** On the effective date of this subsection, the authorized FTE positions for the office of the commissioner of railroads in the public service commission are decreased by 1.0 PR attorney position, funded from the appropriation under section 20.155 (2) (g) of the statutes, providing services related to railroad crossing hearings. On the effective date of this subsection, the incumbent employee in the position identified in this subsection, as determined by the secretary of administration, shall be transferred to the division of hearings and appeals in the department of administration. The employee transferred under this subsection has all of the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that the employee enjoyed in the public service commission immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(2) **Transitional provisions; water and sewer service to manufactured home parks.** On the effective date of this subsection, each of the following applies:

(a) **Assets and liabilities.** The assets and liabilities of the public service commission primarily related to the regulation of water and sewer service provided to manufactured home parks, as determined by the secretary of administration, shall become the assets and liabilities of the department of commerce.

(b) **Tangible personal property.** All tangible personal property, including records, of the public service commission primarily related to the regulation of water and sewer service provided to manufactured home parks, as determined by the secretary of administration, is transferred to the department of commerce.

(c) **Contracts.** All contracts entered into by the public service commission in effect on the effective date of this paragraph that are primarily related to the
regulation of water and sewer service provided to manufactured home parks, as
determined by the secretary of administration, remain in effect and are transferred
to the department of commerce. The department of commerce shall carry out any
obligations under such a contract until the contract is modified or rescinded by the
department of commerce to the extent allowed under the contract.

(d) Rules and orders. All rules promulgated by the public service commission
that are in effect on the effective date of this paragraph and that are primarily related
to the regulation of water and sewer service provided to manufactured home parks,
as determined by the secretary of administration, remain in effect until their
specified expiration date or until amended or repealed by the department of
commerce. All orders issued by the public service commission that are in effect on
the effective date of this paragraph and that are primarily related to the regulation
of water and sewer service provided to manufactured home parks, as determined by
the secretary of administration, remain in effect until their specified expiration date
or until modified or rescinded by the department of commerce.

(e) Pending matters. Any matter pending with the public service commission
on the effective date of this paragraph and that is primarily related to the regulation
of water and sewer service provided to manufactured home parks, as determined by
the secretary of administration, is transferred to the department of commerce and
all materials submitted to or actions taken by the public service commission with
respect to the pending matter are considered as having been submitted to or taken
by the department of commerce.

SECTION 9143. Nonstatutory provisions; regulation and licensing.

(1) Restoration of funeral director's licenses.

(a) Definitions. In this subsection:
1. “Board” means the funeral directors examining board.

2. “Department” means the department of regulation and licensing.

(b) Licenses granted or last renewed before July 1, 1995. Notwithstanding section 440.08 (3) (b) of the statutes and section 445.06 of the statutes, as affected by this act, the board shall restore the funeral director’s license of a person who holds a valid certificate in good standing as a funeral director that was granted under section 445.06, 1999 stats., if the funeral director’s license was granted or last renewed before July 1, 1995, and the person does each of the following:

1. No later than the first day of the 12th month beginning after the effective date of this subdivision, applies for restoration of the license on a form provided by the department.

2. Provides evidence satisfactory to the board that he or she has completed at least 15 hours of continuing education in courses approved by the board during the 2-year period immediately preceding the date of his or her application under subdivision 1.

3. Demonstrates competence as a funeral director by a method satisfactory to the board, including by successfully passing a written or oral examination or providing documentation satisfactory to the board of professional experience in other jurisdictions or of educational or other professional experience. No examination required under this subdivision may be more stringent than the examination on Wisconsin law that is used to test applicants for licensure by reciprocity under section 445.08 of the statutes.

(c) Licenses granted or last renewed on or after July 1, 1995. Notwithstanding section 440.08 (3) (b) of the statutes and section 445.06 of the statutes, as affected by this act, the board shall restore the funeral director’s license of a person who holds
a valid certificate in good standing as a funeral director that was granted under section 445.06, 1999 stats., if the funeral director’s license was granted or last renewed on or after July 1, 1995, and the person does each of the following:

1. No later than the first day of the 12th month beginning after the effective date of this subdivision, applies for restoration of the license on a form provided by the department.

2. Provides evidence satisfactory to the board that he or she has completed at least 15 hours of continuing education in courses approved by the board during the 2-year period immediately preceding the date of his or her application under subdivision 1.

(d) Waiver of fees. Notwithstanding section 440.05 (1) (b) of the statutes, as affected by this act, and section 440.08 (3) (a) of the statutes, no fee may be charged for an examination or restoration of a license under this subsection.

(2) Private detective agencies. Notwithstanding sections 440.08 (2) (a) 62. and 440.26 (3) of the statutes, as affected by this act, a person that applies to renew a private detective license that expires on September 1, 2001, is required to pay a renewal fee of 50% of the amount specified in section 440.08 (2) (a) 62. of the statutes, as affected by this act.

SECTION 9144. Nonstatutory provisions; revenue.

(1) Income apportionment for financial organizations; rules. The department of revenue shall submit in proposed form rules related to the apportionment of the income of financial organizations under sections 71.04 (4) (e) and 71.25 (6) (e) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this subsection.
(2) Study on promoting economic growth. The department of revenue shall study options for restructuring shared revenue and tax incremental financing to encourage high-growth sectors of the economy and the creation of high-quality jobs in this state. The study shall include considering using up to 10% of the amount distributed to counties and municipalities under section 79.03 of the statutes, as affected by this act, to match local efforts to encourage creation of high-quality jobs in this state. No later than January 1, 2003, the department of revenue shall report the result of its study to the secretary of administration.

SECTION 9145. Nonstatutory provisions; secretary of state.

SECTION 9146. Nonstatutory provisions; state fair park board.

(1) State fair park police services.

(a) On the effective date of this paragraph, all full-time equivalent positions in the state fair park board having duties primarily related to the state fair park police and the incumbents in those positions, as determined by the secretary of administration, are transferred to the department of administration.

(b) Employees transferred under paragraph (a) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in the state fair park board immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

SECTION 9147. Nonstatutory provisions; supreme court.

(1) Court interpreter training. The supreme court is requested to cooperate with the technical college system board in the development and implementation of a curriculum and testing program for training qualified interpreters.
SECTION 9148. Nonstatutory provisions; technical college system.

SECTION 9149. Nonstatutory provisions; technology for educational achievement in Wisconsin board.

(1) Grants for pupil technology support. In the 2001–03 fiscal biennium, from the appropriation under section 20.275 (1) (m) of the statutes, the technology for educational achievement in Wisconsin board shall award grants to school districts to train pupils to provide educational technology support services to the school districts in which they are enrolled. The board may award no more than $500,000 in grants in each fiscal year. The board shall award the grants in consultation with the board of regents of the University of Wisconsin System and the state technical college system board.

(2) Alternative technology study.

(a) In the 2001–02 fiscal year, the technology for educational achievement in Wisconsin board shall conduct a study of emerging technology products, services, and applications for distance learning in primary and secondary schools. The board shall conduct approximately 6 pilot projects, and may expend up to $500,000 from the appropriation under section 20.275 (1) (m) of the statutes and up to $250,000 from the appropriation under section 20.275 (1) (s) of the statutes, as affected by this act, for the purpose of conducting the study.

(b) Notwithstanding section 196.218 (5) of the statutes, as affected by this act, moneys in the universal service fund may be used for the purposes of paragraph (a).

(c) The board shall report its findings to the governor, and to the legislature in the manner provided under section 13.172 (2) of the statutes, by January 31, 2003.

SECTION 9150. Nonstatutory provisions; tobacco control board.

SECTION 9151. Nonstatutory provisions; tourism.
SECTION 9152. Nonstatutory provisions; transportation.

(1) Employee transfer. On the effective date of this subsection, 1.0 FTE position in the department of transportation performing duties primarily related to printing services, as determined by the secretary of administration, and the incumbent employee holding that position, is transferred to the department of administration. The employee transferred under this subsection has all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that the employee enjoyed in the department of transportation immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(2) Position authorization; employee transfer.

(a) The authorized FTE positions for the department of transportation are decreased by 1.0 SEG position for the performance of duties primarily related to printing services.

(b) On the effective date of this paragraph, 1.0 FTE position in the department of transportation performing duties primarily related to printing services and the incumbent employee holding that position, as determined by the secretary of administration, are transferred to the department of administration. The employee transferred under this paragraph has all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that the employee enjoyed in the department of transportation immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.
(3) **Airport Financing Committee.** There is created an airport financing committee consisting of members appointed by the governor. The governor shall appoint members representing the department of transportation, the department of commerce, airport managers, airlines serving this state, the general aviation community, the people of this state, and private businesses having an interest in transportation policy and financing. The committee shall select its officers and the person appointed chairperson shall call the committee’s first meeting. The committee shall review and evaluate this state’s airport system needs and the current system of funding those needs and shall recommend changes, if any, to better meet those needs. The committee shall evaluate, among other things: aircraft registration fees; aviation fuel taxes and fees; allocation of sales tax receipts from the sale of aircraft, parts, and services to the appropriation account under section 20.395 (2) (dr) of the statutes, as created by this act, and allocation of other moneys to that appropriation account. The committee’s recommendations, if any, should, if enacted, generate revenue in amounts equal to or greater than the sum of moneys appropriated for aeronautical activities in fiscal year 2002. Not later than December 31, 2002, the committee shall submit a report containing the committee’s evaluation, findings, and recommendations to the governor, and to the legislature in the manner provided under section 13.172 (2) of the statutes.

(4) **Grants to Local Professional Football Stadium Districts.** From the appropriation under section 20.395 (1) (gr) of the statutes, as created by this act, the department of transportation may award grants to a local professional football stadium district created under subchapter IV of chapter 229 of the statutes. This subsection does not apply after June 30, 2002.
(5) Parking facility grant. The department of transportation shall award a grant of $420,700 to the city of Kenosha from the appropriation under section 20.395 (1) (bs) of the statutes, as affected by this act, in fiscal year 2001–02 to provide 50% of the local share required for a congestion mitigation and air quality improvement project under section 85.245 of the statutes relating to a parking facility in the city of Kenosha. No grant may be awarded under this subsection unless the city of Kenosha makes a matching fund contribution toward the local share required for the project that is equal to the amount of the grant awarded under this subsection.

SECTION 9153. Nonstatutory provisions; treasurer.

(1) Report of abandoned property. Notwithstanding section 177.17 (4) (a) 1. of the statutes, as affected by this act, if this subsection takes effect after October 31, 2001, the report due under section 177.17 (4) (a) 1. of the statutes, as affected by this act, by November 1, 2002, shall cover the 2 preceding calendar years.

(2) Service charges concerning abandoned property. Notwithstanding section 177.06 (3) (b) of the statutes, as affected by this act, if this subsection takes effect after October 31, 2001, a holder may assess a service charge on or before December 31 of the 2nd calendar year covered in the report required by November 1, 2002, under section 177.17 (4) (a) 1. of the statutes, as affected by this act, with respect to any property that is described in section 177.06 (1) of the statutes and that is required to be listed in the report.

SECTION 9154. Nonstatutory provisions; University of Wisconsin Hospitals and Clinics Authority.

SECTION 9155. Nonstatutory provisions; University of Wisconsin Hospitals and Clinics Board.
SECTION 9156. Nonstatutory provisions; University of Wisconsin System.

(1) Positions. Notwithstanding section 16.505 (2p) (a) of the statutes, as created by this act, the board of regents of the University of Wisconsin System may, for the 2001–02 academic year, create or abolish a full-time equivalent academic staff or faculty position or portion thereof from revenues appropriated under section 20.285 (1) (a) of the statutes if the board of regents submits a request to the department of administration by September 1, 2001, containing a clear explanation of how the requested position will be filled and the department approves the request.

SECTION 9157. Nonstatutory provisions; veterans affairs.

(1) Servicing primary mortgage loans.

(a) Plan. The department of veterans affairs and the department of administration shall develop a plan for the most cost-effective method of servicing loans purchased under section 45.79 (5) (a) 10. of the statutes, as created by this act.

(b) Funding. The secretary of administration may not direct that moneys appropriated to the department of veterans affairs under section 20.485 (3) (wd), (wg), and (wp) of the statutes, as created by this act, be encumbered or expended until after the plan developed under paragraph (a) is completed.

(c) Escrow payments. Notwithstanding section 45.79 (5) (a) of the statutes, as affected by this act, the department of veterans affairs may not hold monthly escrow payments made by borrowers until after the plan developed under paragraph (a) is completed.

(2) Eye and dental care grants. Using the procedure under section 227.24 of the statutes, the department of veterans affairs shall promulgate rules required under section 45.351 (2m) of the statutes, as created by this act, for the period before
the effective date of the permanent rules required under section 45.351 (2m) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3) Transfer of approval of veterans training.

(a) Transfer of positions and employees. On the effective date of this paragraph, 3.0 FTE FED positions in the educational approval board, and the incumbent employees holding those positions, are transferred to the department of veterans affairs. The educational approval board and the department of veterans affairs shall jointly determine the employees to be transferred under this paragraph and shall jointly develop a plan for the orderly transfer thereof. In the event of any disagreement between the educational approval board and the department of veterans affairs, the secretary of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(b) Employee status. Employees transferred under paragraph (a) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of veterans affairs that they enjoyed in the educational approval board immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(4) Education center grant. From the appropriation under section 20.485 (2) (vj) of the statutes, as created by this act, the department of veteran affairs may
provide, in the 2001–03 fiscal biennium, one grant of $100,000 to the Wisconsin Veterans War Memorial/Milwaukee, Inc., for a veterans education center.

(5) **REGIONAL SERVICE DELIVERY CENTERS REPORT.** Not later than June 30, 2003, the department of veterans affairs shall submit a report on the performance of the regional service delivery centers, including each center's video conferencing system, to the department of administration.

**SECTION 9158. Nonstatutory provisions; workforce development.**

(1) **TRANSFER OF POSITION AND INCUMBENT EMPLOYEE; REHABILITATION SERVICES.**

(a) **Position transfer.**

1. On the effective date of this subdivision, the authorized FTE positions for the department of workforce development, funded from the appropriation under section 20.445 (5) (kx) of the statutes, are decreased by 1.0 PR–S position having responsibility for the rehabilitation of injured state employees.

2. On the effective date of this subdivision, the authorized FTE positions for the department of administration, funded from the appropriation under section 20.505 (2) (ki) of the statutes, are increased by 1.0 PR–S position having responsibility for the rehabilitation of injured state employees.

3. On the effective date of this subdivision, the incumbent employee holding the position specified in subdivision 1. is transferred to the department of administration.

(b) **Employee status.** The employee transferred under paragraph (a) 3. shall have all the same rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that the employee enjoyed in the department of workforce development immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, if the employee so
transferred has attained permanent status in class, that employee is not required to
serve a probationary period.

(2) Transfer of position and incumbent employee; electrician.

(a) Position transfer:

1. On the effective date of this subdivision, the authorized FTE positions for the
department of workforce development, funded from the appropriation under section
20.445 (1) (kc) of the statutes, are decreased by 1.0 PR−S position having
responsibility for small projects requiring the services of an electrician.

2. On the effective date of this subdivision, the authorized FTE positions for the
department of workforce administration, funded from the appropriation under
section 20.505 (5) (ka) of the statutes, as affected by this act, are increased by 1.0
PR−S position having responsibility for small projects requiring the services of an
electrician.

3. On the effective date of this subdivision, the incumbent employee holding the
position specified in subdivision 1. is transferred to the department of
administration.

(b) Employee status. The employee transferred under paragraph (a) 3. shall
have all the same rights and the same statutes under subchapter V of chapter 111
and chapter 230 of the statutes in the department of workforce development
immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
if the employee so transferred has attained permanent status in class, that employee
is not required to serve a probationary period.

(3) Study on cost of operating receipt and disbursement system. The
department of workforce development shall study what it would cost the department
to operate the statewide automated support and maintenance receipt and
disbursement system under section 767.29 of the statutes, as affected by this act, including the number of employees that would be required to perform the functions. In the study, the department shall differentiate between the cost of initially taking over the operation of the system and the cost of operating the system annually thereafter and shall compare those costs with the current and anticipated future cost of paying its designee to operate the system. No later than December 31, 2001, the department of workforce development shall submit a report on the results of the study, including the department’s conclusions and recommendations, to the secretary of administration.

(4) Elimination of Wisconsin Conservation Corps Board.

(a) Employee transfer. On the effective date of this paragraph, all positions in the classified service in the Wisconsin conservation corps board, as determined by the secretary of administration, and the incumbent employees holding those positions, are transferred to the department of workforce development.

(b) Employee status. Employees transferred under paragraph (a) have all of the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of workforce development that they enjoyed in the Wisconsin conservation corps immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(c) Contracts. All contracts entered into by the Wisconsin conservation corps board in effect on the effective date of this paragraph remain in effect and are transferred to the department of workforce development. The department of workforce development shall carry out any obligations under such a contract until
the contract is modified or rescinded by the department of workforce development to the extent allowed under the contract.

(d) Rules and orders. All rules promulgated by the Wisconsin conservation corps board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of workforce development. All orders issued by the Wisconsin conservation corps board that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of workforce development.

(e) Pending matters. Any matter pending with the Wisconsin conservation corps board on the effective date of this paragraph is transferred to the department of workforce development, and all materials submitted to or actions taken by the Wisconsin conservation corps board with respect to the pending matter are considered as having been submitted to or taken by the department of workforce development.

(f) Members. All members of the Wisconsin conservation corps board who are serving in that capacity on the day before the effective date of this paragraph shall become members of the Wisconsin conservation corps council on the effective date of this paragraph, unless the governor appoints members to replace those members, and shall serve as Wisconsin conservation corps council members for the terms for which those members were appointed to the Wisconsin conservation corps board.

(5) Wisconsin Conservation Corps Program Planning. The department of workforce development shall work with a nonprofit corporation that provides education, employment skills, and career direction leading to economic
self-sufficiency to young persons in Dane County who are at risk of not achieving economic self-sufficiency to develop a plan to accomplish all of the following:

(a) Track the educational attainment of persons enrolled in the Wisconsin conservation corps program.

(b) Consolidate the functions of the Wisconsin conservation corps program.

(c) Add educational and training components to the Wisconsin conservation corps program.

(d) Provide a method for determining the location and number of crews working on Wisconsin conservation corps projects.

(e) Improve the retention of persons enrolled in the Wisconsin conservation corps program.

(6) **Transfer of Medical Assistance Eligibility.**

(a) *Position decreases.*

1. On the effective date of this subdivision, the authorized FTE positions for the department of workforce development, funded from the appropriation under section 20.445 (1) (kc) of the statutes, as affected by the acts of 2001, are decreased by 6.5 PR positions.

2. On the effective date of this subdivision, the authorized FTE positions for the department of workforce development, funded from the appropriation under section 20.445 (1) (ha) of the statutes, as affected by the acts of 2001, are decreased by 0.3 PR position.

3. On the effective date of this subdivision, the authorized FTE positions for the department of workforce development, funded from the appropriation under section 20.445 (1) (gb) of the statutes, as affected by the acts of 2001, are decreased by 0.2 PR position.
(b) Transfer of positions and employees.

1. On the effective date of this subdivision, 8.18 FTE FED positions in the department of workforce development, and the incumbent employees holding those positions, are transferred to the department of health and family services.

2. On the effective date of this subdivision, 4.82 FTE GPR positions in the department of workforce development, and the incumbent employees holding those positions, are transferred to the department of health and family services.

3. On the effective date of this subdivision, there are transferred from the department of workforce development to the department of health and family services 7.0 FTE incumbent employees holding the positions specified in paragraph (a).

4. The departments of workforce development and health and family services shall jointly determine the employees to be transferred under subdivisions 1. to 3. and shall jointly develop a plan for the orderly transfer thereof. In the event of any disagreement between the departments, the secretary of administration shall resolve the dispute and shall develop a plan for the orderly transfer thereof.

(c) Employee status. Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of health and family services that they enjoyed in the department of workforce development immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(7) Study of transferring the food stamp program. The department of workforce development shall study the impacts of transferring the food stamp program under section 49.124 of the statutes to the department of health and family services.
services, including the resources that would be transferred and the effects of the transfer on the client assistance for reemployment and economic support computer system and the local service delivery system. The department of workforce development shall submit a report on the results of the study to the governor no later than December 31, 2001.

(8) Food stamp reinvestment.

(a) In this subsection “cost allocation resolution moneys” means the moneys appropriated under section 20.445 (3) (nL) of the statutes that were allocated on September 25, 1998, by the joint committee on finance to reimburse the federal government for expenditures that were not approved by the federal departments of labor and health and human services in a cost allocation plan that was developed and submitted by the department of workforce development in the 1997–98 federal fiscal year.

(b) From the appropriation under section 20.445 (3) (nL) of the statutes, the department of workforce development shall reallocate cost allocation resolution moneys to local food stamp reinvestment activities.

**SECTION 9158. Nonstatutory provisions; other.**

(1) State agency appropriations reductions.

(a) Appropriations reductions. Except as provided in paragraph (b), the largest sum certain appropriation for state operations made to the following state agencies from general purpose revenue in the 2001-03 fiscal biennium is reduced by the amounts in each fiscal year indicated:
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### Amount of Reduction

<table>
<thead>
<tr>
<th>State Agency</th>
<th>2001–02 Fiscal Year</th>
<th>2002–03 Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration, department of</td>
<td>$719,000</td>
<td>$719,000</td>
</tr>
<tr>
<td>Agriculture, trade and consumer protection,</td>
<td>1,013,200</td>
<td>1,013,200</td>
</tr>
<tr>
<td>Commerce, department of</td>
<td>411,700</td>
<td>411,700</td>
</tr>
<tr>
<td>Corrections, department of</td>
<td>1,756,300</td>
<td>1,756,300</td>
</tr>
<tr>
<td>Educational communications board</td>
<td>283,800</td>
<td>283,800</td>
</tr>
<tr>
<td>Employment relations, department of</td>
<td>304,900</td>
<td>304,900</td>
</tr>
<tr>
<td>Health and family services, department of</td>
<td>8,035,500</td>
<td>8,035,500</td>
</tr>
<tr>
<td>Historical society</td>
<td>525,800</td>
<td>525,800</td>
</tr>
<tr>
<td>Justice, department of</td>
<td>1,770,000</td>
<td>1,770,000</td>
</tr>
<tr>
<td>Military affairs, department of</td>
<td>384,100</td>
<td>384,100</td>
</tr>
<tr>
<td>Natural resources, department of</td>
<td>2,474,100</td>
<td>2,474,100</td>
</tr>
<tr>
<td>Public defender board</td>
<td>3,236,900</td>
<td>3,236,900</td>
</tr>
<tr>
<td>Public instruction, department of</td>
<td>1,404,200</td>
<td>1,122,600</td>
</tr>
<tr>
<td>Revenue, department of</td>
<td>4,216,300</td>
<td>4,216,300</td>
</tr>
<tr>
<td>Technical college system board</td>
<td>172,800</td>
<td>172,800</td>
</tr>
<tr>
<td>Tourism, department of</td>
<td>597,900</td>
<td>597,900</td>
</tr>
<tr>
<td>University of Wisconsin System, board of</td>
<td>6,345,000</td>
<td>6,345,000</td>
</tr>
<tr>
<td>Workforce development, department of</td>
<td>502,600</td>
<td>502,600</td>
</tr>
</tbody>
</table>
(b) *Submission of alternative plan to secretary of administration.* No later than 90 days after the effective date of this paragraph, any state agency specified in paragraph (a) may submit an alternative plan to the secretary of administration concerning the agency’s preference for allocating reductions among certain appropriations for state operations made to the agency from general purpose revenue. If the secretary does not approve the plan, the agency shall make the reductions as provided in paragraph (a). If the secretary approves the plan, he or she shall submit the plan to the joint committee on finance. If the cochairpersons of the committee do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed plan within 14 working days after the date of the secretary’s submittal, the agency shall make the reductions specified in the plan. If, within 14 working days after the date of the secretary’s submittal, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed plan, the agency may not implement the plan until it is approved by the committee, as submitted or as modified.

(2) *Information Technology Management Board; initial terms.* Notwithstanding section 15.215 (1) of the statutes, as created by this act, of the members other than state officers first appointed to serve as members of the information technology management board, the governor shall designate one to serve for a term expiring on May 1, 2003, and one to serve for a term expiring on May 1, 2005.

(3) *State-local fringe benefit study committees.*

(a) The department of employment relations and the employment relations commission, and the department of employee trust funds if it elects to participate,
shall organize, and appoint members to, committees to study and make recommendations on all of the following:

1. Fiscal pressures on local governments created by personnel costs, including fringe benefits costs.

2. Strategies for local governments to control personnel costs, especially health insurance costs.

3. Creating a permanent labor−management partnership team, consisting of representatives of local governments and local government employees, to review issues of common concern and to make policy recommendations to state and local officials.

4. Options for local governments to expand their fringe benefit partnerships with state government and other local governments.

5. Changes to the interest arbitration process under subchapter IV of chapter 111 of the statutes, including exempting health insurance coverage from interest arbitration under that subchapter if an employer offers to its employees the local government insurance plan under subchapter IV of chapter 40 of the statutes.

6. Allowing local government employers to change insurance carriers to the local government insurance plan under subchapter IV of chapter 40 of the statutes if the employer offers a pre−determined wage increase to its employees.

(b) In organizing committees under paragraph (a), the department of employment relations and the employment relations commission, and the department of employee trust funds if it elects to participate, shall seek to appoint to the committees representatives of local governments and local government employees.
(c) The department of employment relations and the employment relations commission, and the department of employee trust funds if it elects to participate, shall submit a report incorporating the recommendations of the committees organized under paragraph (a) to the governor, the secretary of administration, and to the chief clerk of each house of the legislature, for distribution to the legislature under section 13.172 (2) of the statutes, no later than January 1, 2003.

SECTION 9201. Appropriation changes; administration.

(1) Consolidation of appropriations.

(a) The unencumbered balance in the appropriation account under section 20.505 (3) (g), 1999 stats., is transferred to the appropriation account under section 20.505 (1) (j) of the statutes, as affected by this act.

(b) The unencumbered balance in the appropriation account under section 20.505 (4) (gm), 1999 stats., is transferred to the appropriation account under section 20.505 (1) (j) of the statutes, as affected by this act.

(c) The unencumbered balance in the appropriation account under section 20.505 (3) (h), 1999 stats., is transferred to the appropriation account under section 20.505 (4) (h) of the statutes, as affected by this act.

(d) The unencumbered balance in the appropriation account under section 20.505 (1) (ma), 1999 stats., is transferred to the appropriation account under section 20.505 (1) (mb) of the statutes, as affected by this act.

(e) The unencumbered balance in the appropriation account under section 20.505 (1) (mc), 1999 stats., is transferred to the appropriation account under section 20.505 (1) (mb) of the statutes, as affected by this act.
(f) The unencumbered balance in the appropriation account under section 20.505 (1) (n), 1999 stats., is transferred to the appropriation account under section 20.505 (1) (mb) of the statutes, as affected by this act.

(g) The unencumbered balance in the appropriation account under section 20.505 (6) (kt), 1999 stats., is transferred to the appropriation account under section 20.505 (6) (kp) of the statutes, as affected by this act.

(h) The unencumbered balance in the appropriation account under section 20.505 (6) (kq), 1999 stats., immediately before the effective date of this paragraph is transferred to the appropriation account under section 20.505 (8) (hm) of the statutes, as affected by this act.

(i) The unencumbered balance in the appropriation account under section 20.505 (6) (ks), 1999 stats., is transferred to the appropriation account under section 20.505 (8) (hm) of the statutes, as affected by this act.

(2) ENERGY EFFICIENCY FUND ELIMINATION. On the effective date of this subsection, the unencumbered balance in the energy efficiency fund immediately before the effective date of this subsection is transferred to the general fund.

(3) LAND INFORMATION BOARD GRANT FUNDING. The unencumbered balance in the appropriation account under section 20.505 (1) (ij), 1999 stats., is transferred to the appropriation account under section 20.505 (1) (ie) of the statutes, as affected by this act.

(4) INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS FUNDING TRANSFER. The unencumbered balances in the appropriation accounts under section 20.505 (1) (kL) and (kr), 1999 stats., immediately before the effective date of this subsection are transferred to the appropriation account under section 20.530 (1) (ke) of the statutes, as affected by this act.
(5) **Consolidation of Appropriations for Justice Information Systems.** The unencumbered balance in the appropriation account under section 20.505 (1) (ja), 1999 stats., is transferred to the appropriation account under section 20.505 (1) (kp) of the statutes, as affected by this act.

**Section 9202. Appropriation changes; adolescent pregnancy prevention and pregnancy services board.**

**Section 9203. Appropriation changes; aging and long-term care board.**

**Section 9204. Appropriation changes; agriculture, trade and consumer protection.**

(1) **Warehouse Keeper and Grain Dealer Fees.** The unencumbered balance in the appropriation account under section 20.115 (1) (jm), 1999 stats., is transferred to the agricultural producer security fund.

(2) **Dairy and Vegetable Producer Security.** From the unencumbered balance in the appropriation account under section 20.115 (1) (gm), 1999 stats., the secretary of administration shall transfer to the agricultural producer security fund the amount that the secretary determines is derived from moneys received under section 100.03 (3) (a) 2., 1999 stats., section 100.03 (3) (a) 3., 1999 stats., and section 100.06 (9), 1999 stats.

(3) **Animal Health; Gifts and Grants.** The unencumbered balance in the appropriation account under section 20.115 (2) (gb), 1999 stats., is transferred to the appropriation account under section 20.115 (8) (g) of the statutes, as affected by this act.

(4) **Marketing Services; Gifts and Grants.** The unencumbered balance in the appropriation account under section 20.115 (3) (ga), 1999 stats., is transferred to the
appropriation account under section 20.115 (8) (g) of the statutes, as affected by this act.

(5)  AGRICULTURAL INVESTMENT AIDS; GIFTS AND GRANTS. The unencumbered balance in the appropriation account under section 20.115 (4) (i), 1999 stats., is transferred to the appropriation account under section 20.115 (8) (g) of the statutes, as affected by this act.

(6)  AGRICULTURAL RESOURCE MANAGEMENT; GIFTS AND GRANTS. The unencumbered balance in the appropriation account under section 20.115 (7) (gb), 1999 stats., is transferred to the appropriation account under section 20.115 (8) (g) of the statutes, as affected by this act.

(7)  ANIMAL HEALTH CONTRACTUAL SERVICES. The unencumbered balance in the appropriation account under section 20.115 (2) (k), 1999 stats., is transferred to the appropriation account under section 20.115 (8) (ks) of the statutes, as affected by this act.

(8)  GENERAL LABORATORY SERVICES SERVICES. The unencumbered balance in the appropriation account under section 20.115 (8) (kp), 1999 stats., is transferred to the appropriation account under section 20.115 (8) (ks) of the statutes, as affected by this act.

(9)  MILK STANDARDS PROGRAM. The unencumbered balance in the appropriation account under section 20.115 (8) (ga), 1999 stats., is transferred to the appropriation account under section 20.115 (8) (ha) of the statutes, as affected by this act.

SECTION 9205. Appropriation changes; arts board.

SECTION 9206. Appropriation changes; boundary area commission, Minnesota-Wisconsin.

SECTION 9207. Appropriation changes; building commission.
SECTION 9208. Appropriation changes; child abuse and neglect prevention board.

SECTION 9209. Appropriation changes; circuit courts.

SECTION 9210. Appropriation changes; commerce.

(1) Tank plan review and inspection fees. There is transferred from the appropriation account under section 20.143 (3) (j) of the statutes to the petroleum inspection fund $1,280,641 plus the amount determined by the secretary of administration under Section 9101 (1) of this act.

(2) Economic development operations. The unencumbered balances in the appropriation accounts under section 20.143 (1) (gm), 1999 stats., and section 20.143 (1) (hm), 1999 stats., are transferred to the appropriation account under section 20.143 (1) (h) of the statutes, as affected by this act.

SECTION 9211. Appropriation changes; corrections.

(1) Institutional operations and charges lapse. Notwithstanding section 20.001 (3) (a) of the statutes, on the effective date of this subsection, there is lapsed to the general fund $1,000,000 from the appropriation account of the department of corrections under section 20.410 (1) (kk) of the statutes, as affected by the acts of 2001.

SECTION 9212. Appropriation changes; court of appeals.

SECTION 9213. Appropriation changes; district attorneys.

SECTION 9214. Appropriation changes; educational communications board.

SECTION 9215. Appropriation changes; elections board.

SECTION 9216. Appropriation changes; employee trust funds.
SECTION 9217. Appropriation changes; employment relations commission.

SECTION 9218. Appropriation changes; employment relations department.

SECTION 9219. Appropriation changes; ethics board.

SECTION 9220. Appropriation changes; financial institutions.

SECTION 9221. Appropriation changes; governor.

SECTION 9222. Appropriation changes; Health and Educational Facilities Authority.

SECTION 9223. Appropriation changes; health and family services.

(1) Birth parent search and adoption record program; lapse. Notwithstanding section 20.001 (3) (a) of the statutes, on June 30, 2002, there is lapsed to the general fund $94,300 from the appropriation account of the department of health and family services under section 20.435 (3) (jj) of the statutes, as affected by the acts of 2001.

(2) Alcohol and other drug abuse initiatives; lapse. Notwithstanding section 20.001 (3) (c) of the statutes, on June 30, 2002, there is lapsed to the general fund $648,200 from the appropriation account of the department of health and family services under section 20.435 (6) (gb) of the statutes, as affected by the acts of 2001.

(3) Driver improvement surcharge; lapse. Notwithstanding section 20.001 (3) (a) of the statutes, on June 30, 2002, there is lapsed to the general fund $1,000,000 from the appropriation account of the department of health and family services under section 20.435 (6) (hx) of the statutes, as affected by the acts of 2001.

(4) Facility licensing and inspection fees lapse.
(a) Notwithstanding section 20.001 (3) (a) of the statutes, on June 30, 2002, the secretary of administration shall lapse to the general fund $1,000,000 from the appropriation account of the department of health and family services under section 20.435 (6) (jm) of the statutes, as affected by the acts of 2001.

(b) Notwithstanding section 20.001 (3) (a) of the statutes, on June 30, 2003, the secretary of administration shall lapse to the general fund $200,000 from the appropriation account of the department of health and family services under section 20.435 (6) (jm) of the statutes, as affected by the acts of 2001, in addition to the amount lapsed under paragraph (a).

SECTION 9224. Appropriation changes; higher educational aids board.

SECTION 9225. Appropriation changes; historical society.

SECTION 9226. Appropriation changes; Housing and Economic Development Authority.

SECTION 9227. Appropriation changes; insurance.

SECTION 9228. Appropriation changes; investment board.

SECTION 9229. Appropriation changes; joint committee on finance.

SECTION 9230. Appropriation changes; judicial commission.

SECTION 9231. Appropriation changes; justice.

SECTION 9232. Appropriation changes; legislature.

SECTION 9233. Appropriation changes; lieutenant governor.

SECTION 9234. Appropriation changes; lower Wisconsin state riverway board.

SECTION 9235. Appropriation changes; Medical College of Wisconsin.

SECTION 9236. Appropriation changes; military affairs.

SECTION 9237. Appropriation changes; natural resources.
(1) **Transfer from Environmental Fund.** There is transferred $5,100,000 from the environmental fund to the general fund.

(2) **Transfer of Gaming Revenues to the Conservation Fund.** There is transferred from the appropriation account to the department of administration under section 20.505 (8) (hm) of the statutes to the conservation fund, $1,000,000 in fiscal year 2001–02 and $718,000 in fiscal year 2002–03.

Section 9238. Appropriation changes; personnel commission.

Section 9239. Appropriation changes; public defender board.

Section 9240. Appropriation changes; public instruction.

Section 9241. Appropriation changes; public lands, board of commissioners of.

Section 9242. Appropriation changes; public service commission.

Section 9243. Appropriation changes; regulation and licensing.

Section 9244. Appropriation changes; revenue.

Section 9245. Appropriation changes; secretary of state.

Section 9246. Appropriation changes; state fair park board.

Section 9247. Appropriation changes; supreme court.

Section 9248. Appropriation changes; technical college system.

Section 9249. Appropriation changes; technology for educational achievement in Wisconsin board.

Section 9250. Appropriation changes; tobacco control board.

Section 9251. Appropriation changes; tourism.

Section 9252. Appropriation changes; transportation.

(1) **Transfer of Funds for Aeronautical Activities.** The unencumbered balance in the appropriation account under section 20.395 (2) (dq), 1999 stats.,
immediately before the effective date of this subsection is transferred to the
appropriation account under section 20.395 (2) (dr) of the statutes, as created by this
act.

(2) LOCAL TRANSPORTATION FACILITIES IMPROVEMENT ASSISTANCE.

(a) The unencumbered balance in the appropriation account under section
20.395 (2) (eq), 1999 stats., immediately before the effective date of this paragraph
is transferred to the appropriation account under section 20.395 (2) (fq) of the
statutes, as created by this act.

(b) The unencumbered balance in the appropriation account under section
20.395 (2) (ex), 1999 stats., immediately before the effective date of this paragraph
is transferred to the appropriation account under section 20.395 (2) (fx) of the
statutes, as affected by this act.

(c) The unencumbered balance in the appropriation account under section
20.395 (2) (ev), 1999 stats., immediately before the effective date of this paragraph
is transferred to the appropriation account under section 20.395 (2) (fv) of the
statutes, as affected by this act.

SECTION 9253. Appropriation changes; treasurer.

SECTION 9254. Appropriation changes; University of Wisconsin Hospitals and Clinics Authority.

SECTION 9255. Appropriation changes; University of Wisconsin Hospitals and Clinics Board.

SECTION 9256. Appropriation changes; University of Wisconsin System.

SECTION 9257. Appropriation changes; veterans affairs.
(1) APPROVAL OF VETERANS TRAINING. The unencumbered balance in the appropriation account under section 20.485 (5) (m), 1999 stats., is transferred to the appropriation account under section 20.485 (2) (m) of the statutes, as affected by this act.

SECTION 9258. Appropriation changes; workforce development.

(1) PUBLIC ASSISTANCE REFORM STUDIES. Notwithstanding section 20.001 (3) (c) of the statutes, on the effective date of this subsection, there is lapsed to the general fund $1,200,000 from the appropriation account of the department of workforce development under section 20.445 (3) (br) of the statutes, as affected by the acts of 2001.

SECTION 9259. Appropriation changes; other.

SECTION 9301. Initial applicability; administration.

(1) EXPENDITURE LIMITS FOR GENERAL PURPOSE REVENUE. The treatment of section 13.40 of the statutes first applies to appropriations made for the 2003–05 biennium.

(2) ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES. The treatment of sections 16.61 (7) (d), 16.611 (2) (e), 16.612 (2) (c), 137.01 (3) (a) and (4) (a) and (b), 137.04, 137.05 (title), 137.06, 137.11 to 137.24, 137.26, 224.30 (2), 228.01, 228.03 (2), 889.29 (1), 910.01 (1), 910.02, and 910.03, subchapters I (title) and II (title) of chapter 137, and chapter 137 (title) of the statutes, the renumbering and amendment of section 137.05 of the statutes, and the creation of section 137.25 (2) of the statutes first apply to electronic records or electronic signatures that are created, generated, sent, communicated, received, or initially stored on the effective date of this subsection.

SECTION 9302. Initial applicability; adolescent pregnancy prevention and pregnancy services board.

SECTION 9303. Initial applicability; aging and long-term care board.
SECTION 9304. Initial applicability; agriculture, trade and consumer protection.

(1) Consumer protection assessments. The treatment of sections 20.115 (1) (jb), 59.25 (3) (f) 2., 59.40 (2) (m), 66.0113 (1) (b) 7. c. and d. and (c) and (3) (a), (b), (c), and (d), 66.0114 (1) (b) and (bm), 100.261 (title), (1), (2), and (3) (a) and (b) 1., 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 800.02 (2) (a) 8. and (3) (a) 5., 800.03 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and (a) and (2) (b), 800.10 (2), 800.12 (2), 814.60 (2) (ai), 814.63 (3) (ai), 973.05 (1) and (2), and 973.07 of the statutes first applies to consumer protection assessments that are imposed for violations that first occur on the effective date of this subsection.

(2) Farmland preservation conversion fees. The treatment of sections 91.17 (1), (2), and (3), 91.19 (2) (intro.), (3), (5), (6t), (7), (7m), and (8) to (13), 91.23, 91.75 (6), 91.77 (2), and 91.79 of the statutes first applies to land that is released or relinquished from a farmland preservation agreement or rezoned from exclusive agricultural zoning on the effective date of this subsection.

SECTION 9305. Initial applicability; arts board.

SECTION 9306. Initial applicability; boundary area commission, Minnesota–Wisconsin.

SECTION 9307. Initial applicability; building commission.

SECTION 9308. Initial applicability; child abuse and neglect prevention board.

SECTION 9309. Initial applicability; circuit courts.

(1) Court interpreters. The treatment of sections 48.315 (1) (h), 48.375 (7) (d) 1m., 885.37 (title), (1), (1g), (2), (3) (b), (3m), (4) (a) (intro.) and (b), (5) (a), and (6) to
(10), 905.015, and 938.315 (1) (h) of the statutes first applies to interpreters used or appointed on the effective date of this subsection.

(2) **Taking Juveniles into Custody.** The treatment of sections 938.19 (1) (d) 6., 938.20 (2) (cm), (7) (c) 1m., and (8), 938.205 (1) (c), 938.208 (1) (intro.), 938.355 (6d) (a) 4., (b) 4., and (c) 4., 938.533 (3) (a), 938.534 (1) (b) 3m., 938.538 (4) (a) (by Section 3922), and 938.539 (3) of the statutes first applies to a violation of a condition of court-ordered supervision or aftercare supervision, a condition of a juvenile's placement in a Type 2 secured correctional facility, as defined in section 938.02 (20) of the statutes, or in a Type 2 child caring institution, as defined in section 938.02 (19r) of the statutes, or a condition of a juvenile's participation in the intensive supervision program under section 938.534 of the statutes, as affected by this act, committed on the effective date of this subsection.

(3) **Special Prosecution Fee.** The treatment of sections 20.475 (1) (f) and (i), 814.635 (1m) and (2), and 978.13 (1) (intro.), (b), (c), and (d) of the statutes first applies to cases filed on the effective date of this subsection.

**SECTION 9310. Initial applicability; commerce.**

**SECTION 9311. Initial applicability; corrections.**

(1) **Transfer of Juvenile to Adult Prison.** The treatment of sections 301.03 (10) (d), 302.11 (10), 302.255, 302.386 (5) (d), 938.183 (3) (with respect to transfer of a juvenile to the Racine Youthful Offender Correctional Facility), 938.357 (4) (d), 938.538 (3) (a) 1. (with respect to placement of a juvenile in a Type 1 prison), 1m., and 2., (4) (a) (by Section 3921), (5) (c), and (6), 938.992 (3), and 976.08 of the statutes first applies to violations committed on July 1, 1996.

(2) **Age of Juvenile Placement in Adult Prison.** The treatment of sections 938.183 (3) (with respect to placement of a juvenile in a secured correctional facility,
(3) **Payment of Medical or Dental Charges.** The treatment of section 302.386 (3) (a) of the statutes first applies to medical or dental care provided on the effective date of this subsection.

(4) **Autopsies of Inmates.** The treatment of section 979.025 of the statutes first applies to deaths that occur on the effective date of this subsection.

**Section 9312. Initial applicability; court of appeals.**

**Section 9313. Initial applicability; district attorneys.**

**Section 9314. Initial applicability; educational communications board.**

**Section 9315. Initial applicability; elections board.**

**Section 9316. Initial applicability; employee trust funds.**

**Section 9317. Initial applicability; employment relations commission.**

(1) **School districts; permissive subjects of bargaining.** The treatment of sections 111.70 (1) (a) and (4) (o) and 601.415 (13) of the statutes, the amendment of section 111.70 (4) (cm) 8s. of the statutes, and the creation of section 111.70 (4) (cm) 8s. b. of the statutes first apply to collective bargaining agreements that expire or are extended, modified, or renewed, whichever occurs first, on the effective date of this subsection.

(2) **School calendar.** The treatment of sections 111.70 (4) (m) 8. and 120.12 (15) of the statutes first applies to collective bargaining agreements that expire or are extended, modified, or renewed, whichever occurs first, on the effective date of this subsection.
(3) REASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES. The treatment of section 111.70 (4) (m) (title), 1., 2., and 4. of the statutes first applies to collective bargaining agreements for which notices of commencement of contract negotiations have been filed with the employment relations commission under section 111.70 (4) (cm) 1. of the statutes on the effective date of this subsection.

(4) LAYOFF AND ASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES. The treatment of section 111.70 (4) (m) 5. of the statutes first applies to collective bargaining agreements for which notices of commencement of contract negotiations have been filed with the employment relations commission under section 111.70 (4) (cm) 1. of the statutes on the effective date of this subsection.

(5) ASSIGNMENT OF SCHOOL DISTRICT EMPLOYEES. The treatment of section 111.70 (4) (m) 7. of the statutes first applies to collective bargaining agreements for which notices of commencement of contract negotiations have been filed with the employment relations commission under section 111.70 (4) (cm) 1. of the statutes on the effective date of this subsection.

(6) BINDING ARBITRATION FOR MEMBERS OF A POLICE DEPARTMENT EMPLOYED BY A 1ST CLASS CITY. The treatment of section 111.70 (4) (jm) 4. k. of the statutes first applies to petitions for arbitration submitted under section 111.70 (4) (jm) 1. of the statutes on the effective date of this subsection.

SECTION 9318. Initial applicability; employment relations department.

SECTION 9319. Initial applicability; ethics board.

SECTION 9320. Initial applicability; financial institutions.

SECTION 9321. Initial applicability; governor.

SECTION 9322. Initial applicability; Health and Educational Facilities Authority.
SECTION 9323. Initial applicability; health and family services.

(1) Taking over operation of medical assistance provider. The treatment of sections 49.45 (2) (b) 8. and (21) (title), (a), (ag), and (b), and 50.03 (13) (a) of the statutes first applies to sales or other transfers completed on the effective date of this subsection.

(2) Fee for certain recoveries against providers of medical assistance. The treatment of section 49.45 (2) (b) 9. of the statutes first applies to repeated recoveries from the identical provider that are made on the effective date of this subsection.

(3) Decertification or suspension of providers of medical assistance. The treatment of section 49.45 (2) (a) 12. of the statutes first applies to violations of federal statutes or regulations or state statutes or rules committed on the effective date of this subsection.

(4) Family care eligibility. The treatment of sections 46.286 (1) (a) 2. (intro.), (1m), and (3) (a) (intro.) and 6. of the statutes first applies to an application for eligibility for family care that is made on the effective date of this subsection.

(5) Foster parent insurance deductible. The treatment of section 48.627 (3) (h) of the statutes first applies to an act or omission, as described in section 48.627 (2m) or (2s) (a) or (b) of the statutes, that occurs on the effective date of this subsection.

(6) Rate-based service contracts. The treatment of section 46.036 (5m) (a) 1., (b) 1. and 2., (e), and (em) of the statutes first applies to a contract under which a provider, as defined in section 46.036 (5m) (a) 1. of the statutes, as affected by this act, commences performance on the effective date of this subsection.

(7) Court-ordered relative placement permanency plans. The treatment of sections 48.38 (2) (intro.), (4) (f) (intro.), and (5) (a) and (b) and 938.38 (2) (intro.), (4)
(f) (intro.), and (5) (a) and (b) of the statutes first applies to a child or juvenile who is placed in the home of a relative, as defined in section 48.02 (15) or 938.02 (15) of the statutes, by order of the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes, as affected by this act, on the effective date of this subsection.

(8) PREADMISSION INFORMATION AND REFERRAL. The treatment of sections 50.034 (5g) and (8) (a) and 50.035 (9) (title) and (11) (a) of the statutes, the renumbering of section 50.035 (9) of the statutes, and the creation of section 50.035 (9) (b) of the statutes first apply to residencies in residential care apartment complexes and admissions to community-based residential facilities sought on the effective date of this subsection.

(9) TRANSFERS BY AFFIDAVIT. The treatment of section 867.035 (1) (a) (intro.) and 1. and (bm) (intro.), 1., 2., 3., and 4., (2), and (2m) of the statutes first applies to transfers by affidavit on account of deaths occurring on the effective date of this subsection.

(10) MEDICAL ASSISTANCE ELIGIBILITY. The treatment of sections 49.46 (1) (a) 1., 1m., 6., 9., 10., 11., and 12. and (e) and 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1., and (b) 2m. a. and (6) (a) 7. of the statutes first applies to eligibility determinations for medical assistance that are made on the effective date of this subsection.

(11) MEDICAL ASSISTANCE ESTATE RECOVERY. The treatment of sections 46.286 (7) and 49.496 (3) (a) 2. and (ae) of the statutes first applies to medical assistance that is paid for health care services that are provided to an individual on the effective date of this subsection.

(12) FACILITY LICENSURE, CERTIFICATION, APPROVAL, AND REGISTRATION; ENFORCEMENT. The treatment of sections 50.01 (4r), 50.02 (1), (1d), (2) (am) 2., and
(3g) (a) 1., 2., 3., 4., 5., 6., 7., and 8., 50.03 (2) (d), (3) (f), (4) (a) 1. b., (c) 1., 2., and 3.,
and (cm) 3., (4m), (5), (5g) (title), (a), (b), (c) (intro.), 1., 2., and 3., (d), (e), (f), and (g)
1. and 3., (5m) (a) 2. and 3., (11), and (13) (c), 50.033 (2) and (4), 50.034 (2) (f), (7), and
(8), 50.035 (11), 50.04 (4) (d) and (e) 3., (5) (e) and (f), and (6) (title), (a), (b), (c), (d),
(e), (f), and (g), 50.05 (2) (b) and (c), 50.053, 50.09 (6) (d), 50.14 (6), 50.35, 50.37 (1),
50.49 (6) (b), (7), (9), and (10), 50.498 (1) (c), (1m), (3), (4), and (5), 50.51 (2) (b), 50.52
(2) (intro.) and (4), 50.55 (1) and (2) (title), 50.925, 50.93 (1) (intro.), (2) (a), (3), (3g),
and (4), 50.95 (7), 50.98 (title), (1), (2), (3), (4), (5), and (6), and 165.40 (6) (a) (intro.)
of the statutes first applies to licenses, certifications, approvals, and registrations
issued; to conditional licenses, certifications, approvals, registrations, and
probationary licenses issued; and to violations committed; on the effective date of
this subsection.

(13) TREATMENT FACILITY APPROVAL AND CONDITIONAL APPROVAL; ENFORCEMENT.
The treatment of sections 46.031 (2r) (a) 3., 51.032 (1) (b) and (e), (4), and (5), 51.04,
51.08, 51.09, 51.30 (10) (b), 51.45 (2) (b) and (c) and (8) (title), (a), (b), (c), (d), (e), and
(f), 73.0301 (1) (d) 3., 301.031 (2r) (a) 3., 343.06 (1) (d), and 632.89 (1) (e) 1. of the
statutes first applies to approvals and conditional approvals issued and to violations
committed on the effective date of this subsection.

(14) TRANSFER OF CHILD FOR ADOPTION. The treatment of sections 48.43 (7) and
48.485 of the statutes first applies to petitions filed under those sections on the
effective date of this subsection.

SECTION 9324. Initial applicability; higher educational aids board.
SECTION 9325. Initial applicability; historical society.
SECTION 9326. Initial applicability; Housing and Economic Development Authority.
SECTION 9327. Initial applicability; insurance.

SECTION 9328. Initial applicability; investment board.

SECTION 9329. Initial applicability; joint committee on finance.

SECTION 9330. Initial applicability; judicial commission.

SECTION 9331. Initial applicability; justice.

SECTION 9332. Initial applicability; legislature.

SECTION 9333. Initial applicability; lieutenant governor.

SECTION 9334. Initial applicability; lower Wisconsin state riverway board.

SECTION 9335. Initial applicability; Medical College of Wisconsin.

SECTION 9336. Initial applicability; military affairs.

(1) EMERGENCY RESPONSE. The treatment of sections 166.20 (1) (gk) and (im) and (2) (bm) 1. and 2. and (bs), 166.21 (2m) (e) and (f), 166.215 (2) and (3), 166.22 (1) (a), (c), and (d), (2), (3), (3m), (4), and (5) (am) and (b), and 895.483 (title) and (2) of the statutes first applies to emergencies involving the release or potential release of hazardous substances that occur on the effective date of this subsection.

SECTION 9337. Initial applicability; natural resources.

(1) AQUATIC PLANT REMOVAL EQUIPMENT. The treatment of section 30.92 (4) (b) 8. b. and bp. of the statutes first applies to the acquisition of capital equipment for which an application for financial assistance for the acquisition is submitted to the department of natural resources on the effective date of this subsection.

(2) LAKE MANAGEMENT PROJECT GRANTS. The treatment of section 281.69 (3) (b) 2. of the statutes first applies to lake management project grants that are applied for on the effective date of this subsection.

SECTION 9338. Initial applicability; personnel commission.
SECTION 9339. Initial applicability; public defender board.

SECTION 9340. Initial applicability; public instruction.

(1) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23 (2) (a) 3., (c), and (d), (4) (a), and (5) of the statutes first applies to pupils and private schools that intend to participate in the Milwaukee parental choice program in the 2002–03 school year.

(2) TUITION PAYMENT BY STATE. The treatment of section 121.79 (1) (d) (intro.), 1., and 3. of the statutes first applies to the payment of tuition in the 2002–03 school year.

(3) SUMMER SCHOOL AID FOR CHARTER SCHOOLS. The treatment of sections 118.40 (2r) (a) 1. and (e) and 121.14 (1) and (2) (b) of the statutes first applies to payments made for academic summer classes and laboratory periods attended in 2001.

(4) TEACHER LICENSURE. The treatment of sections 115.28 (7) (a), (c), and (e) 2., 118.19 (3) (a), (4m), (6), (7), (8), (9) (a) (intro.), (12), (13), and (14), and 118.38 (1) (a) 7. of the statutes first applies to license applications received by the department of public instruction on the effective date of this subsection.

(5) COMMENCEMENT OF SCHOOL TERM. The treatment of section 118.045 (3) of the statutes first applies to the commencement of the school term in the 2002–03 school year.

(6) STATE AID ADJUSTMENTS. The treatment of section 121.105 (2) (a) 1., 2., and 3. of the statutes first applies to state aid adjustments under section 121.15 (4) (b) of the statutes that are made on the effective date of this subsection.

(7) COMPUTER AID. The treatment of section 121.004 (6) of the statutes first applies to state aid paid to school districts in the 2001–02 school year.
(8) Carry over of revenue limit authority. The treatment of section 121.91
(4) (dg) and (dr) of the statutes first applies to state aid adjustments under section
121.15 (4) (b) of the statutes that are made on the effective date of this subsection.

(9) School district referenda. The treatment of sections 24.66 (3) (b) and (4)
(b), 66.092 (2), 67.05 (6a) (a) 2. a., 119.48 (4) (b) and (c), 119.49 (1) (b) and (2), and
121.91 (3) (a) of the statutes and the renumbering and amendment of section 24.66
(4) of the statutes first apply with respect to referenda called on the effective date of
this subsection.

(10) Open enrollment program. The treatment of section 118.51 (16) (a) 3. (as
it relates to the open enrollment program) of the statutes first applies to state aid
payments made in the 2001−02 school year.

(11) Tuition payments by parents. The treatment of section 118.51 (16) (a) 3.
(as it relates to tuition payments by parents under section 121.81 of the statutes) of
the statutes first applies to tuition payments made in the 2002−03 school year.

(12) Milwaukee parental choice program. The treatment of section 119.23 (2)
(a) (intro.) and 1. and (e) of the statutes first applies to pupils who apply to participate
in the Milwaukee parental choice program in the 2002−03 school year.

Section 9341. Initial applicability; public lands, board of
commissioners of.

Section 9342. Initial applicability; public service commission.

(1) Stray voltage immunity. The treatment of sections 196.64 (3) and 895.496
of the statutes first applies to actions commenced on the effective date of this
subsection.
(2) Enforcement authority. The treatment of sections 196.219 (4) (b), 196.499 (12) (am), and 196.66 (1) and (3) (b) (intro.) of the statutes first applies to violations occurring on the effective date of this subsection.

(3) Assessments for wholesale merchant plants. The treatment of sections 196.07 (2) and 196.85 (1) and (1m) (a) of the statutes first applies to activities of the public service commission occurring on the effective date of this subsection.

SECTION 9343. Initial applicability; regulation and licensing.

(1) Irrevocable burial trusts. The treatment of section 445.125 (1) (a) 2. of the statutes first applies to burial trust agreements entered into on the effective date of this subsection.

SECTION 9344. Initial applicability; revenue.

(1) Dry cleaning products fee. The treatment of sections 77.996 (3), 77.9962, 77.9963, and 292.65 (8) (d) 7. of the statutes first applies to fees that are due on January 25, 2002.

(2) Refunds. The treatment of sections 70.511 (2) (b) and (bm), 74.35 (3) (c) and (cm), and 74.37 (3) (c) and (cm) of the statutes first applies to refunds of taxes that were collected based on the assessments as of January 1, 2001.

(3) Objections. The treatment of section 70.995 (8) (c) of the statutes first applies to objections that are filed with the state board of assessors on the first day of the 3rd month beginning after the effective date of this subsection.

(4) Settlement of taxes. The treatment of sections 74.23 (1) (a) 5., 74.25 (1) (a) 4m., and 74.30 (1) (dm) of the statutes first applies to taxes that are based on the assessment as of January 1, 2001.

(5) Telephone company property. The treatment of section 76.81 of the statutes, the renumbering and amendment of section 70.112 (4) of the statutes, and
the creation of section 70.112 (4) (b) of the statutes first apply to the property tax
assessments as of January 1, 2003.

(6) Waste Treatment Equipment. The treatment of sections 70.11 (21) (a), (c),
(d), (e), and (f), 71.05 (11) (b), and 73.01 (4) (a) and (5) (a) of the statutes first applies
to taxable years beginning on January 1 of the year in which this subsection takes
effect, except that if this subsection takes effect after July 1 the treatment of sections
70.11 (21) (a), (c), (d), (e), and (f), 71.05 (11) (b), and 73.01 (4) (a) and (5) (a) of the
statutes first applies to taxable years beginning on January of the year following the
year in which this subsection takes effect.

(7) Multiple Payees of a Lottery Prize. The treatment of section 565.30 (1),
(2g), (5), (5m) (a), and (5r) (a) of the statutes first applies to lottery prizes won on the
effective date of this subsection.

(8) Other State Tax Credit; Partners of a Partnership. The treatment of section
71.07 (7) (b) of the statutes first applies to taxable years beginning on January 1 of the
year in which this subsection takes effect, except that if this subsection takes
effect after July 31 the treatment of section 71.07 (7) (b) of the statutes first applies
to taxable years beginning on January 1 of the year following the year in which this
subsection takes effect.

(9) Milwaukee Development Opportunity Zone. The treatment of section
560.795 (1) (e), (2) (a) and (b) 5., (3) (a) 4., and (c), (4) (a) (intro.), and (5) of the statutes
first applies to taxable years beginning on January 1 of the year in which this
subsection takes effect, except that if this subsection takes effect after July 31 the
treatment of section 560.795 (1) (e), (2) (a) and (b) 5., (3) (a) 4., and (c), (4) (a) (intro.),
and (5) of the statutes first applies to taxable years beginning on January 1 of the
year following the year in which this subsection takes effect.
(10) Development Zones Capital Investment Credit. The treatment of sections 71.05 (6) (a) 15., 71.07 (2dm), 71.10 (4) (grb), 71.21 (4), 71.26 (2) (a) and (3) (n), 71.28 (1dm), 71.30 (3) (emb), 71.34 (1) (g), 71.47 (1dm), 71.49 (1) (emb), 73.03 (35), 77.92 (4), 560.70 (7), 560.75 (8), and 560.795 (3) (d) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 the treatment of sections 71.05 (6) (a) 15., 71.07 (2dm), 71.10 (4) (grb), 71.21 (4), 71.26 (2) (a) and (3) (n), 71.28 (1dm), 71.30 (3) (emb), 71.34 (1) (g), 71.47 (1dm), 71.49 (1) (emb), 73.03 (35), 77.92 (4), 560.70 (7), 560.75 (8), and 560.795 (3) (d) of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(11) Members of a Targeted Group. The treatment of sections 71.07 (2dx) (a) 5., 71.28 (1dx) (a) 5., and 71.47 (1dx) (a) 5. of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 the treatment of sections 71.07 (2dx) (a) 5., 71.28 (1dx) (a) 5., and 71.47 (1dx) (a) 5. of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(12) Hub Facility. The treatment of sections 70.11 (42), 76.02 (1), and 78.55 (1) of the statutes first applies to the property tax assessments as of January 1, 2002.

(13) Revenues Received from Ad Valorem Tax on Air Carriers. The treatment of section 20.395 (2) (dr) of the statutes first applies to moneys received from taxes and fees on July 1, 2004.

(14) Palpable Errors. The treatment of sections 70.73 (1m) and 74.41 (1) (d) of the statutes first applies to the property tax assessments as of January 1, 2001.
(15) **INTERNAL SERVICES.** The treatment of section 20.566 (3) (k) of the statutes first applies to internal services that are provided on the effective date of this subsection.

(16) **TAX RELIEF FUND TAX CREDIT.** The treatment of sections 71.07 (7m) and 71.10 (4) (dt) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 the treatment of sections 71.07 (7m) and 71.10 (4) (dt) of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(17) **RECYCLING SURCHARGE IMPOSED ON FARMS.** The treatment of section 77.94 (1) (b) and (c) of the statutes first applies to taxable years beginning on January 1, 2001.

(18) **PARTNERSHIPS AND LIMITED LIABILITY COMPANIES.** The treatment of sections 71.22 (1r), 71.25 (15), and 71.45 (6) of the statutes first applies to taxable years for partnership partners or limited liability company members beginning on January 1, 2001.

(19) **TAXATION OF INTER VIVOS TRUSTS.** The treatment of section 71.14 (3) (intro.) and (3m) (a) (intro.) and (b) 2. of the statutes first applies, retroactively, to taxable years beginning on January 1, 1999.

(20) **GROWTH-SHARING REGION.** The treatment of sections 20.835 (1) (d), (db), and (dd), 25.50 (3) (b), 33.32 (3) (b), 79.01 (1), (5), and (6), 79.015, 79.02 (2) (b) and (3), 79.03 (1), (2), (3) (a), (b) 1., 3., 4. (intro.), a. to bm., d. to f., and h., 5., and 6., and (4), 79.06 (1) and (2), and 79.065 of the statutes first applies to payments made in 2002.
(21) Property tax exemption for regional planning commissions. The treatment of section 70.11 (2) of the statutes first applies to the property tax exemptions as of January 1, 2001.

(22) Technology zones credit. The treatment of sections 71.07 (3g), 71.10 (4) (grd), 71.28 (3g), 71.30 (3) (eon), 71.47 (3g), 73.03 (35m), and 560.96 of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 the treatment of sections 71.07 (3g), 71.10 (4) (grd), 71.28 (3g), 71.30 (3) (eon), 71.47 (3g), 73.03 (35m), and 560.96 of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(23) Transfer of retail license or permit. The treatment of section 125.04 (12) (c) of the statutes first applies to an application for a license or permit submitted to an issuing authority on the effective date of this subsection.

(24) Sale by secured party. The treatment of section 125.06 (8) of the statutes first applies to security interests entered into on the effective date of this subsection.

(25) Out-of-state shippers; penalties. The treatment of section 125.30 (6) of the statutes first applies to violations committed on the effective date of this subsection.

(26) Dealerships. The treatment of sections 135.02 (3) (c) and 135.067 of the statutes first applies to dealerships entered into on the effective date of this subsection.

(27) Property taxed in part. The renumbering of section 70.1105 of the statutes and the creation of section 70.1105 (2) of the statutes first apply to the property tax assessments as of January 1, 2001.
(28) LICENSE FEE FOR LIGHT, HEAT, AND POWER COMPANY. The treatment of section 76.28 (1) (f) of the statutes first applies to the license fee assessments as of May 1, 2002.

SECTION 9345. Initial applicability; secretary of state.

SECTION 9346. Initial applicability; state fair park board.

SECTION 9347. Initial applicability; supreme court.

SECTION 9348. Initial applicability; technical college system.

SECTION 9349. Initial applicability; technology for educational achievement in Wisconsin board.

(1) REPORT. The treatment of section 44.72 (2) (dm) of the statutes first applies to reports concerning grants awarded under section 44.72 of the statutes, as affected by this act, on the effective date of this subsection.

SECTION 9350. Initial applicability; tobacco control board.

SECTION 9351. Initial applicability; tourism.

SECTION 9352. Initial applicability; transportation.

(1) RAILS−WITH−TRAILS IMMUNITY. The treatment of section 895.518 of the statutes first applies to use of a rails−with−trails trail on the effective date of this subsection.

(2) URBAN MASS TRANSIT OPERATING ASSISTANCE. The treatment of section 85.20 (4m) (a) (intro.) and (4r) of the statutes first applies to contracts for aid payable for calendar year 2001.

(3) STATE PATROL SECURITY AND TRAFFIC ENFORCEMENT SERVICES. The treatment of section 85.51 (title) and (2) of the statutes and the renumbering and amendment of section 85.51 of the statutes first apply to security and traffic enforcement services requested or provided on the effective date of this subsection.
(4) Suspension of juveniles' operating privileges. The treatment of sections 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes first applies to forfeitures imposed on the effective date of this subsection.

(5) Driver improvement surcharges. The treatment of section 346.655 (1) (as it relates to driver improvement surcharges) of the statutes first applies to driver improvement surcharges imposed for violations committed on the effective date of this subsection.

(6) Occupational license eligibility. The treatment of sections 343.30 (1q) (b) 3. and 4., 343.305 (10) (b) 3. and 4., and 343.31 (3) (bm) 3. and 4. and (3m) (a) and (b) of the statutes first applies to violations committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions, or revocations as prior convictions, suspensions, or revocations for purposes of administrative action by the department of transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.

(7) Immobilization and ignition interlock devices. The treatment of sections 343.301 (1) (a) and (b) and (2) (a) and (b), 343.305 (10m), 346.65 (6) (a) 1., 940.09 (1d) (a), and 940.25 (1d) (a) of the statutes first applies to violations committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions, or revocations as prior convictions, suspensions, or revocations for purposes of administrative action by the department of transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.

**SECTION 9353. Initial applicability; treasurer.**
(1) AGREEMENTS TO LOCATE PROPERTY OTHER THAN SUPPORT. The renumbering and amendment of section 177.35 (2) of the statutes first applies to agreements entered into on the effective date of this subsection.

(2) UNCLAIMED PROPERTY CLAIMS; SECURITIES. The treatment of section 177.22 (4) of the statutes (as it relates to the amount that a person may claim for property subject to that subsection) and the renumbering and amendment of section 177.24 (3) of the statutes (as it relates to the amount payable for a claim for property presumed abandoned under section 177.10 of the statutes) first apply to claims filed under section 177.24 of the statutes on the effective date of this subsection.

SECTION 9354. Initial applicability; University of Wisconsin Hospitals and Clinics Authority.

SECTION 9355. Initial applicability; University of Wisconsin Hospitals and Clinics Board.

SECTION 9356. Initial applicability; University of Wisconsin System.

(1) OFFERING OF COURSE SECTIONS. The treatment of sections 36.09 (1) (d) and 36.11 (41) of the statutes first applies to course sections offered in the 2002–03 academic year.

(2) ACADEMIC FEES. The treatment of sections 36.27 (1) (a) and (am) of the statutes first applies to the setting of resident, undergraduate academic fees for the 2002–03 academic year.

SECTION 9357. Initial applicability; veterans affairs.

(1) TUITION AND FEE REIMBURSEMENT. The treatment of sections 45.25 (1), (3) (a), (am), and (b) (intro.), and (4) (a) and 45.396 (2), (3) (intro.), (5), and (9) of the statutes first applies to applications for reimbursement received on the effective date of this subsection.
(2) Residency requirement for veterans programs. The treatment of sections 45.25 (2) (d), 45.35 (5) (a) 2. c., 45.37 (3), (6) (f), and (7) (b), and 45.71 (16) (a) 2m. a. of the statutes first applies to applications for benefit programs administered under chapter 45 of the statutes, and applications for admission to the Wisconsin Veterans Home at King and the Southern Wisconsin Veterans Retirement Center, that are received on the effective date of this subsection.

SECTION 9358. Initial applicability; workforce development.

(1) Wisconsin works community steering committees. The treatment of section 49.143 (2) (a) (intro.), 7., and 11. of the statutes first applies to contracts entered into, extended, modified, or renewed on the effective date of this subsection.

(2) Receipt and disbursement fee increase. The treatment of section 767.29 (1) (d) of the statutes (with respect to increasing the amount of the receipt and disbursement fee) first applies to receipt and disbursement fees that are payable in calendar year 2002.

(3) Unclaimed and not distributable support. The treatment of sections 20.445 (3) (qm) and (r) (with respect to the exception related to paragraph (qm)), 177.24 (3) (b) and (4), 177.25 (1m) and (2), and 177.265 of the statutes, the renumbering of section 177.24 (1) of the statutes, and the creation of sections 177.17 (4) (a) 2., 177.24 (1) (b), and 177.35 (2) (b) of the statutes first apply retroactively to amounts credited under section 20.912 (1) of the statutes to the support collections trust fund, and amounts determined not to be distributable from the support collections trust fund by the department of workforce development, on January 1, 1999.
(4) **Children First Program.** The treatment of section 49.36 (7) of the statutes first applies to contracts entered into, extended, modified, or renewed on the effective date of this subsection.

(5) **Wisconsin Works Child Care Subsidy Eligibility.** The treatment of section 49.155 (1m) (c) (intro.), 1. (intro.), 1g., 1h., 1m., 2., and 3. of the statutes first applies to eligibility determinations for the Wisconsin works child care subsidy made on the effective date of this subsection.

(6) **Wisconsin Works Child Care Funds.** The treatment of section 49.155 (3m) (d) of the statutes first applies to child care funds distributed on the effective date of this subsection.

(7) **Medical Assistance Eligibility Determinations.** The treatment of section 49.33 (1) (b), (2), (8) (a) and (b), and (10) (a) of the statutes first applies to contracts entered into, extended, modified, or renewed on the effective date of this subsection.

**SECTION 9359. Initial applicability; other.**

(1) **Crimes related to computers and crimes related to recordings of nudity, harmful material, or obscenity.** The treatment of sections 943.70 (1) (a) and (ag) and (2) (a) (intro.) and 3., (b) (intro.), 1., 3., 3g., and 3r., and (c), 944.205 (title), (2) (a) and (b), (3), and (4), 944.21 (2) (am), (c) (intro.), and (dm), (3) (a), (4) (a) and (b), and (9), 948.01 (1d) and (3r), 948.05 (1) (a) and (b) and (1m), 948.07 (4), and 948.11 (1) (ar) 2., (bm), and (c) and (2) (c) of the statutes; the renumbering of section 948.12 of the statutes; the renumbering and amendment of sections 944.205 (1), 948.11 (2) (a), (am), and (b), and 948.12 of the statutes; and the creation of sections 944.205 (1) (a) and (c), 948.11 (2) (a) 1. and 2., (am) 1. and 2., and (b) 1. and 2., and 948.12 (2m) of the statutes first apply to offenses committed on the effective date of this subsection.
(2) Theft of Leased or Rented Motor Vehicles. The treatment of section 943.20 (1) (e) of the statutes first applies to a lease or rental agreement that expires on the effective date of this subsection.

(3) Environmental Remediation Tax Incremental Financing. The treatment of sections 66.1106 (1) (e), (f), (fm), (g), (i), (jm), and (k), (1m), (2) (a), (4) (intro.) and (b), (7) (a) and (d) 1., (9), (10) (a), (b), (c), and (d), (11), and (12), 74.23 (1) (b), 74.25 (1) (b) 1. and 2., 74.30 (1) (i) and (j) and (2) (b), 79.095 (1) (c) and (2) (b), and 234.01 (4n) (a) 3m. a. of the statutes first applies to an environmental remediation tax incremental district, the written remediation proposal for which is approved by the political subdivision’s governing body on the effective date of this subsection.

(4) Penalty Assessment and Law Enforcement Training Fund Assessment. The treatment of sections 23.50 (1), (2), and (3), 23.51 (3t) and (8), 23.53 (1), 23.54 (3) (e), (i), and (j), 23.55 (1) (b), 23.66 (2) and (4), 23.67 (2) and (3), 23.75 (3) (a) 2., (b), and (c), 23.79 (1), 23.80 (2), 23.84, 23.85, 48.37 (2), 59.25 (3) (f) 2., 59.40 (2) (m), 66.0113 (1) (b) 7. c. and d. and (c) and (3) (a), (b), (c), and (d), 66.0114 (1) (b) and (bm), 102.85 (5) (a), 102.87 (2) (e), (g), and (h), (3), (4), (5), (6), (7) (b) and (c), and (9), 165.87 (title) and (1) (a), (b), (c), and (d), 345.26 (1) (b) 1. and (2) (b), 345.36 (2) (b), 345.37 (1) (b), (2), and (5), 345.375 (2), 345.47 (1) (intro.), (b), and (c), (2), and (3), 345.49 (1) and (2), 345.61 (2) (c), 346.655 (1) and (2) (b), 757.05 (1) (a), (b), (c), and (d) and (2) (title), 778.02, 778.03, 778.06, 778.10, 778.105, 778.13, 778.18, 778.25 (2) (g), (3), (5), (8) (b), and (10), 778.26 (2) (e), (g), and (h), 778.26 (3), (4), (5), (6), (7) (b) and (c), and (9), 800.02 (2) (a) 8. and (3) (a) 5., 800.03 (3), 800.04 (2) (b) and (c), 800.09 (1) (intro.) and (a) and (2) (b), 800.10 (2), 800.12 (2), 814.60 (2) (ad), 814.63 (3) (ad), 938.237 (2), 938.37 (3), 961.41 (5) (a), 973.05 (1) and (2), 973.055 (2) (b), and 973.07 of the statutes (with respect to treatment of the penalty assessment and the law enforcement
training fund assessment); and the renumbering and amendment of section 757.05

(2) (a) and (b) of the statutes; first apply to penalty assessments and law enforcement

training fund assessments imposed on the effective date of this subsection.

(5) **Time Limitations on Prosecutions in Certain Sexual Assault Cases.** The
treatment of section 939.74 (1), (2) (c), and (2d) of the statutes first applies to offenses
not barred from prosecution on the effective date of this subsection.

(6) **Misdemeanors for Which Prison Sentences May Be Imposed; Penalties for
Attempts.** The treatment of sections 302.11 (1z), 939.32 (1m), 973.01 (1) and (2) (a)
and (b) (intro.), and 973.09 (2) (a) 2., (ag), (am) (title), and (b) (title), 1., and 2. of the
statutes, the renumbering and amendment of sections 971.17 (1) and 973.01 (2) (b)
6. of the statutes, the consolidation, renumbering and amendment of section 973.09
(2) (intro.) and (a) 1. of the statutes, and the creation of sections 971.17 (1) (b) and
(d) and 973.01 (2) (b) 6. a. and b. of the statutes first apply to crimes committed on
the effective date of this subsection.

(7) **Concurrent and Consecutive Sentences.** The treatment of section 973.15
(2m) of the statutes first applies to persons sentenced for crimes committed on the
effective date of this subsection.

(8) **Special Charges for Municipal Services.** The treatment of sections 66.0627
(2) and 66.0707 (2) of the statutes first applies to special charges that are imposed
on the effective date of this subsection.

(9) **Register of Deeds; Fees to Certify Copies.** The treatment of section 59.43
(2) (b) of the statutes first applies to copies that are certified on the effective date of
this subsection.

(10) **Use of County Payments.** The treatment of section 79.085 of the statutes
first applies to payments that are received on the effective date of this subsection.
SECTION 9400. Effective dates; general. Except as otherwise provided in Sections 9401 to 9459 of this act, this act takes effect on July 1, 2001, or on the day after publication, whichever is later.

SECTION 9401. Effective dates; administration.

(1) Transfer of Indian Gaming receipts. The repeal of section 20.505 (8) (hm) 21. of the statutes takes effect on July 1, 2003.

SECTION 9402. Effective dates; adolescent pregnancy prevention and pregnancy services board.

SECTION 9403. Effective dates; aging and long-term care board.

SECTION 9404. Effective dates; agriculture, trade and consumer protection.

(1) Agricultural producer security. The treatment of sections 15.137 (1), 20.115 (1) (g) (by Section 397), (gf), (gm), (jm), (q), (v), (w), and (wb), 25.17 (1) (ag), 25.46, 165.25 (4) (ar) (by Section 2856), 221.0320 (2) (a) (intro.), and 348.27 (10) and chapter 126 of the statutes and Sections 9104 (1) and 9204 (1) and (2) of this act take effect on January 1, 2002.

(2) Vegetable contractors. The treatment of sections 93.135 (1) (rm), 93.50 (1) (g), 97.29 (4), 100.03, and 100.235 (1) (b) and (em), (2), (3), and (4) of the statutes takes effect on February 1, 2002.

(3) Milk contractors. The treatment of sections 97.20 (2) (d) 2. and (3m), 97.22 (10), 100.06, and 100.26 (5) of the statutes takes effect on May 1, 2002.

(4) Grain dealers and warehouse keepers. The treatment of sections 93.06 (8), 93.135 (1) (s) and (sm), 93.20 (1), 93.21 (5) (a), and 221.0320 (2) (a) (intro.) and chapter 127 of the statutes takes effect on September 1, 2002.

SECTION 9405. Effective dates; arts board.
SECTION 9406. Effective dates; boundary area commission, Minnesota-Wisconsin.

SECTION 9407. Effective dates; building commission.

SECTION 9408. Effective dates; child abuse and neglect prevention board.

SECTION 9409. Effective dates; circuit courts.

   (1) COURT INTERPRETERS. The treatment of sections 48.315 (1) (h), 48.375 (7) (d) 1m., 885.37 (title), (1), (1g), (2), (3) (b), (3m), (4) (a) (intro.) and (b), (5) (a), and (6) to (10), 905.015, and 938.315 (1) (h) of the statutes and SECTION 9309 (1) of this act take effect on July 1, 2002.

   (2) TAKING JUVENILES INTO CUSTODY. The treatment of sections 938.19 (1) (d) 6., 938.20 (2) (cm), (7) (c) 1m., and (8), 938.205 (1) (c), 938.208 (1) (intro.), 938.355 (6d) (a) 4., (b) 4., and (c) 4., 938.533 (3) (a), 938.534 (1) (b) 3m., 938.538 (4) (a) (by SECTION 3922), and 938.539 (3) of the statutes and SECTION 9309 (2) of this act take effect on the first day of the 4th month beginning after publication.

SECTION 9410. Effective dates; commerce.

SECTION 9411. Effective dates; corrections.

   (1) ELIMINATION OF JUVENILE BOOT CAMP PROGRAM. The treatment of sections 301.205, 938.02 (15m), 938.34 (4n) (intro.), and 938.532 (title), (2), and (3) of the statutes and the repeal of section 938.532 (1) of the statutes take effect on the first day of the 3rd month beginning after publication.

SECTION 9412. Effective dates; court of appeals.

SECTION 9413. Effective dates; district attorneys.

   (1) TELEPHONE SOLICITATIONS. The treatment of sections 100.264 (2) (intro.), 100.52 (title), (1) (title), (a), (b), (c), and (d), (3), (4), (5), (6), (7), and (8), 134.72 (title),
(1) (c), (2) (title), (a), and (b) (title), (3) (a) and (b), and (4) of the statutes, the
renumbering of section 134.72 (2) b. 1. (intro.), a., and b. of the statutes, and the
renumbering and amendment of section 134.72 (2) b. 2. of the statutes take effect
on the first day of the 3rd month beginning after publication.

SECTION 9414. Effective dates; educational communications board.

SECTION 9415. Effective dates; elections board.

(1) ELECTIONS ADMINISTRATION. The treatment of sections 5.02 (1), (1a), (15m),
and (17), 5.05 (1) (f), 5.15 (6) (b), 5.40 (6), 6.15 (2) (title), (a) (intro.), (bm), (d) 1g., and
(e) and (3) (a) (title), 1., 2., and 3., 6.20, 6.24 (3), (4) (a) and (c), and (8), 6.27 (1) and
(2) to (5), 6.28 (1), (2) (b), and (3), 6.29 (1) and (2) (a) and (b), 6.33 (title), (1), (2) (a),
and (5), 6.35 (2), (3), (5), and (6), 6.36 (1), (2) (a), and (3), 6.47 (2) and (3), 6.50 (1)
(intro.), (2m) (a) and (b), (2s), and (10), 6.54, 6.55 (2) (a) 1. (intro.), (b), (c) 1. and 2.,
and (d), (3), and (7) (c) 1. and 2., 6.79 (intro.), (1), (2), (3), (4), (5), and (6) (title), (a),
(am), and (b), 6.82 (1) (a), 6.86 (3) (a), 6.88 (3) (a), 6.94, 6.95, 7.08 (1) (c), (5), (6), and
(7), 7.10 (1) (b) and (7), 7.15 (1) (intro.), (c), and (e) and (4), 7.30 (1), (2), and (4) (b)
2., 7.33 (2), 7.37 (7), 7.51 (2) (a), (c), and (e), (4) (a), and (5), 9.01 (1) (b) 1., 10.02 (3)
a., 12.13 (2) (b) 9., 12.60 (1) (bm), 20.510 (1) (b) and (gm), 20.923 (6) (bb), 59.05 (2),
79.02 (2) (b) and (3), 117.20 (2), 120.06 (5), 125.05 (2) (h), and 230.08 (2) (oe) of the
statutes, the repeal of section 6.15 (3) (b) (title) of the statutes, and the renumbering
and amendment of section 6.15 (3) (b) of the statutes take effect on January 1, 2002.

SECTION 9416. Effective dates; employee trust funds.

SECTION 9417. Effective dates; employment relations commission.

SECTION 9418. Effective dates; employment relations department.

SECTION 9419. Effective dates; ethics board.

SECTION 9420. Effective dates; financial institutions.
(1) Universal banking.

(a) The treatment of sections 220.04 (9) (a) 2., 220.14 (5), 222.0101, 222.0103 to 222.0401, 222.0403 (3) (intro.) and (b) and (4) to (10), 222.0405 to 222.0411, 222.0413 (1), (2) (a), and (3) to (9), and 222.0415 of the statutes and the creation of section 222.0403 (3) (a) (intro.) of the statutes take effect on the first day of the 3rd month beginning after publication.

(b) The amendment of section 222.0403 (3) (a) (intro.) of the statutes takes effect on September 1, 2002.

(2) Fees; annual filing reports. The treatment of sections 183.0105 (8) (c) and (cm), 183.0910, 183.0911, 183.0912, and 183.0913 of the statutes takes effect on January 1, 2002.

SECTION 9421. Effective dates; governor.

SECTION 9422. Effective dates; Health and Educational Facilities Authority.

SECTION 9423. Effective dates; health and family services.

(1) Community services deficit reduction. The repeal and recreation of section 49.45 (6t) (intro.) and (a) of the statutes takes effect on July 1, 2003.

(2) Rate-based service contracts. The treatment of section 46.036 (5m) (a) 1., (b) 1. and 2., (e), and (em) of the statutes takes effect on the first January 1 after publication.

(3) Death certificate medical certification. The treatment of sections 69.01 (16m), 69.11 (3) (b) 2., and 69.18 (1) (bm) (intro.) and (2) (a) and (d) 1. and 2. of the statutes, the renumbering and amendment of section 69.20 (2) (a) of the statutes, and the creation of section 69.20 (2) (a) 2. of the statutes take effect on January 1, 2003.
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(4) **VITAL RECORDS FEE INCREASES.** The treatment of section 69.22 (1) (intro.), (a), (b), and (d), (2), (5) (a) 2. and 3. and (b) 1., and (6) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(5) **PREADMISSION INFORMATION AND REFERRAL.** The treatment of sections 50.034 (5g) and (8) (a) and 50.035 (9) (title) and (11) (a) of the statutes, the renumbering of section 50.035 (9) of the statutes, and the creation of section 50.035 (9) (b) of the statutes and SECTION 9323 (8) of this act take effect on January 1, 2002.

(6) **MEDICAL ASSISTANCE ELIGIBILITY.** The treatment of sections 49.46 (1) (a) 1., 1m., 6., 9., 10., 11., 12. and (e), 49.47 (4) (a) 1. and 2., (ag) (intro.) and 1., and (b) 2m. a. and (6) (a) 7. of the statutes and SECTION 9323 (10) of this act take effect on the first day of the 2nd month beginning after publication.

(7) **SUPPLEMENTAL MEDICAL ASSISTANCE PAYMENTS TO NURSING HOMES.** The amendment of section 49.45 (6u) (intro.) of the statutes takes effect retroactively to July 1, 2000.

(8) **FACILITY AND TREATMENT FACILITY; ENFORCEMENT.** The treatment of sections 46.031 (2r) (a) 3., 50.01 (4r), 50.02 (1), (1d), (2) (am) 2., and (3g) (a) 1., 2., 3., 4., 5., 6., 7., and 8., 50.03 (2) (d), (3) (f), (4) (a) 1. b., (c) 1., 2., and 3., and (cm) 3., (5), (5g) (title), (a), (b), (c) (intro.), 1., 2., and 3., (d), (e), (f), and (g) 1. and 3., (5m) (a) 2. and 3., (11), and (13) (c), 50.033 (2) and (4), 50.034 (2) (f) and (7), 50.04 (4) (d) and (e) 3., (5) (e) and (f), and (6) (title), (a), (b), (c), (d), (e), (f), and (g), 50.05 (2) (b) and (c), 50.053, 50.09 (6) (d), 50.14 (6), 50.35, 50.37 (1), 50.49 (6) (b), (7), (9), and (10), 50.498 (1) (c), (1m), (3), (4), and (5), 50.51 (2) (b), 50.52 (2) (intro.) and (4), 50.55 (1) and (2) (title), 50.925, 50.93 (1) (intro.), (2) (a), (3), (3g), and (4), 50.95 (7), 50.98 (title), (1), (2), (3), (4), (5), and (6), 51.032 (1) (b) and (e), (4), and (5), 51.04, 51.08, 51.09, 51.30 (10) (b), 51.45 (2) (b) and (c), (8) (title), (a), (b), (c), (d), (e), and (f), 73.0301 (1) (d) 3., 165.40 (6) (a)
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(intro.), 301.031 (2r) (a) 3., 343.06 (1) (d), and 632.89 (1) (e) 1. of the statutes, the
repeal of sections 50.034 (8) and 50.035 (11) of the statutes, and SECTION 9323 (12)
and (13) of this act take effect on the first day of the 7th month beginning after
publication.

(9) TRANSFER OF CHILD FOR ADOPTION. The treatment of sections 48.43 (7) and
48.485 of the statutes and SECTION 9323 (14) of this act take effect on January 1, 2002,
or on the day after publication, whichever is later.

(10) ADOPTION SEARCHES. The treatment of sections 20.435 (3) (jj), 48.432 (3) (c),
48.433 (1) (a), (2), (3) (intro.), (4), (5) (intro.) and (a), (6) (a) and (d), (7) (a) (intro.), (b),
(c), (d), (e), and (f), (8) (a) (intro.) and (b), (8m), (9), and (11), and 48.61 (8) of the
statutes takes effect on January 1, 2002, or on the day after publication, whichever
is later.

(11) MEDICAL ASSISTANCE FOR WOMEN WITH BREAST OR CERVICAL CANCER. The
treatment of sections 49.43 (8) and 49.473 of the statutes takes effect on January 1,
2002.

SECTION 9424. Effective dates; higher educational aids board.

SECTION 9425. Effective dates; historical society.

SECTION 9426. Effective dates; Housing and Economic Development
Authority.

(1) TECHNICAL CHANGE TO SUPPORT LIEN DOCKET LANGUAGE. The treatment of
sections 234.65 (3) (f), 234.83 (2) (a) 3., and 234.90 (3) (d) and (3g) (c) of the statutes
takes effect on the date stated in the notice published by the department of workforce
development in the Wisconsin Administrative Register under section 49.854 (2) (e)
of the statutes.

SECTION 9427. Effective dates; insurance.
(1) **MANAGEMENT CONTRACTS.** The treatment of sections 611.67 (1) (intro.), (a), (b), (c), and (d), (2), (3), and (4) and 618.22 (1) and (2) (intro.) of the statutes takes effect on January 1, 2004.

**SECTION 9427.** Effective dates; investment board.

**SECTION 9428.** Effective dates; joint committee on finance.

**SECTION 9429.** Effective dates; judicial commission.

**SECTION 9430.** Effective dates; justice.

**SECTION 9431.** Effective dates; legislature.

**SECTION 9432.** Effective dates; lieutenant governor.

**SECTION 9433.** Effective dates; lower Wisconsin state riverway board.

**SECTION 9434.** Effective dates; Medical College of Wisconsin.

**SECTION 9435.** Effective dates; military affairs.

**SECTION 9436.** Effective dates; natural resources.

(1) **DRY CLEANER POLLUTION PREVENTION.** The treatment of section 292.65 (5) (c) (intro.) of the statutes and the renumbering of section 292.65 (5) (b) 1., 2., and 5. of the statutes take effect on first day of the 13th month beginning after publication.

(2) **CLEAN WATER FUND PROGRAM BONDING.** The treatment of section 20.866 (2) (tc) (by **SECTION 964**) of the statutes takes effect on July 1, 2003.

(3) **VEHICLE ADMISSION FEES.** The treatment of section 27.01 (7) (f) 1., (g) 1. and 2., and (gm) 1. of the statutes takes effect on January 1, 2002, or on the day after publication, whichever is later.

**SECTION 9437.** Effective dates; personnel commission.

**SECTION 9438.** Effective dates; public defender board.

**SECTION 9439.** Effective dates; public instruction.
(1) Open Enrollment. The treatment of section 118.51 (3) (a) 2., (4) (a) 3., and (5) (a) (intro.) and 1. and (c) of the statutes takes effect on January 1, 2002.

(2) Milwaukee Parental Choice Program; Pupil Assessments, Board on Education Evaluation and Accountability. The treatment of sections 16.963, 20.255 (1) (dw) (by Section 545) and (2) (cu), 20.923 (4) (c) 2., 115.38 (1), (1g), (2), (3), (4) (by Section 2644), and (5) (by Section 2646), 118.30 (1), (1b), (1g) (b) and (c), (1m) (a) 1. (by Section 2701) and (am) 1. (by Section 2703), (1r) (a) 1. (by Section 2705) and (am) 1. (by Section 2707), (1s), (2) (b) 1., 2., and 5., (3) (a) (by Section 2713) and (b) (by Section 2715), (4), (6), and (7), 118.38 (1) (a) 8., 118.43 (7) (by Section 2737), and 121.02 (1) (r) of the statutes and Section 9140 (6) of this act take effect on July 1, 2002.

SECTION 9441. Effective dates; public lands, board of commissioners of.

SECTION 9442. Effective dates; public service commission.

(1) Water and Sewer Service to Manufactured Home Parks. The treatment of sections 20.155 (1) (g) and (i), 100.20 (2) (b), 101.91 (2b), (2d), (2f), (2h), (2k), (5), and (6), 101.93 (title), 101.937 (title) and (6) (title) and (b) to (g), 196.01 (3n), (3p), (3q), (3s), and (3t), 196.26 (1) (a), (1m), and (2) (a) and (b), 196.28 (1) and (3), 196.498 (title), (2), (3), (4), (5), and (6), and 196.85 (2g), (3), (4) (a), and (5) and subchapter V (title) of chapter 101 of the statutes takes effect on the first day of the 7th month beginning after publication.

SECTION 9443. Effective dates; regulation and licensing.

(1) Irrevocable Burial Trusts. The treatment of section 1445.125 (1) (a) 2. of the statutes and Section 9343 (1) of this act take effect on January 1, 2003.

(2) Initial and Renewal Credential Fees. The treatment of sections 440.05 (1) (a) and 440.08 (2) (a) 1., 2., 3., 4., 4m., 5., 6., 7., 9., 11., 11m., 12., 13., 14., 14f., 14g.,
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38., 38g., 38m., 39., 42., 43., 45., 46., 46m., 48., 49., 50., 51., 52., 53., 54., 55., 56., 57.,
58., 59., 60., 61., 63., 63g., 63m., 63t., 63u., 63v., 63w., 63x., 64., 65., 66., 67., 67m.,
67q., 67v., 68., 68d., 68h., 68p., 68t., 68v., 69., 70., and 71. of the statutes and the
repeal and recreation of section 440.08 (2) (a) 62. of the statutes take effect on
September 1, 2001, or on the first day of the 2nd month beginning after publication,
whichever is later.

SECTION 9444. Effective dates; revenue.

(1) Sales tax on repairs and services. The treatment of section 77.52 (2) (a) 10.
of the statutes takes effect on the first day of the 2nd month beginning after
publication.

(2) Wholesale merchant plants. The treatment of sections 76.025 (2), 76.28
(1) (e) (intro.) and (2) (a), 76.29, 76.48 (1r), and 79.04 (1) (a) and (c) 2. and (2) (a) of
the statutes takes effect on January 1, 2002.

(3) Custom computer programs. The treatment of section 77.51 (20) of the
statutes takes effect on first day of the 2nd month beginning after publication.

(4) Transfer of retail license or permit. The treatment of section 125.04 (12)
(c) of the statutes and SECTION 9344 (23) of this act take effect on the first day of the
12th month beginning after publication.

(5) Out-of-state shippers; penalty. The treatment of section 125.30 (6) of the
statutes and SECTION 9344 (25) of this act take effect on the first day of the 6th month
beginning after publication.

SECTION 9445. Effective dates; secretary of state.

SECTION 9446. Effective dates; state fair park board.

SECTION 9447. Effective dates; supreme court.
SECTION 9448. Effective dates; technical college system.

SECTION 9449. Effective dates; technology for educational achievement in Wisconsin board.

SECTION 9450. Effective dates; tobacco control board.

SECTION 9451. Effective dates; tourism.

SECTION 9452. Effective dates; transportation.

(1) Special license plates fees. The treatment of section 341.14 (2), (2m), (6) (d) and (e), (6m) (a), (6r) (b) 2., 3., 4., 6., 7., and 8. (intro.), and (8) of the statutes takes effect on the first day of the 7th month beginning after publication.

(2) Operating records fees. The treatment of sections 343.24 (2) (a), (b), and (c) and (2m) and 343.245 (3m) (b) of the statutes takes effect on the first day of the 7th month beginning after publication.

(3) Environmental impact fees. The treatment of section 342.14 (1r) of the statutes takes effect on October 1, 2001.

(4) Aeronautical activities. The treatment of section 20.395 (2) (dc), (dq), (dr), and (dt) and (9) (rd) of the statutes, the repeal and recreation of section 20.395 (4) (aq) and (9) (td) of the statutes, and SECTION 9252 (1) of this act take effect on July 1, 2004.

(5) Suspension of juveniles’ operating privileges. The treatment of sections 938.17 (2) (d), 938.34 (8), and 938.343 (2) of the statutes takes effect on the first day of the 7th month beginning after publication.

(6) Grants to local professional football stadium districts. The repeal of section 20.395 (1) (gr) of the statutes takes effect on July 1, 2002.
(7) **Supplemental mass transit aids.** The treatment of sections 20.395 (1) (jq), (jr), (js), and (jt) and 85.20 (4m) (b) 1. and (4p) of the statutes takes effect on January 1, 2002.

(8) **Occupational license eligibility.** The treatment of sections 343.30 (1q) (b) 3. and 4., 343.305 (10) (b) 3. and 4., and 343.31 (3) (bm) 3. and 4. and (3m) (a) and (b) of the statutes and Section 9352 (6) of this act take effect on January 1, 2002.

(9) **Immobilization ignition interlock devices.** The treatment of sections 343.301 (1) (a) and (b) and (2) (a) and (b), 343.305 (10m), 346.65 (6) (a) 1., 940.09 (1d) (a), and 940.25 (1d) (a) of the statutes and Section 9352 (7) of this act take effect on January 1, 2002.

**Section 9453.** Effective dates; treasurer.

**Section 9454.** Effective dates; University of Wisconsin Hospitals and Clinics Authority.

**Section 9455.** Effective dates; University of Wisconsin Hospitals and Clinics Board.

**Section 9456.** Effective dates; University of Wisconsin System.

**Section 9457.** Effective dates; veterans affairs.

(1) **Education center grant.** The repeal of section 20.485 (2) (vj) of the statutes takes effect on July 1, 2003.

**Section 9458.** Effective dates; workforce development.

(1) **Federal block grant operations appropriation.** The treatment of section 20.445 (3) (mc) (by Section 742) of the statutes takes effect on January 6, 2003.

**Section 9459.** Effective dates; other.
(1) Sale of tobacco settlement revenues. The amendment of section 25.69 of the statutes and the repeal of section 20.855 (4) (rc), (rp), and (rv) of the statutes take effect on July 1, 2003.

(2) Capitol offices relocation. The treatment of sections 16.836, 20.855 (3) (a), and 20.865 (2) (a) of the statutes takes effect on July 1, 2003.

(3) Misdemeanors for which prison sentences may be imposed; penalties for attempts. The treatment of sections 302.11 (1z), 939.32 (1m), 973.01 (1) and (2) (a) and (b) (intro.), and 973.09 (2) (a) 2., (ag), (am) (title), and (b) (title), 1., and 2. of the statutes, the renumbering and amendment of sections 971.17 (1) and 973.01 (2) (b) 6. of the statutes, the consolidation, renumbering and amendment of section 973.09 (2) (intro.) and (a) 1. of the statutes, the creation of sections 971.17 (1) (b) and (d) and 973.01 (2) (b) 6. a. and b. of the statutes, and Section 9359 (6) and (7) of this act take effect on the first day of the 7th month beginning after publication.

(4) Supplemental appropriations. The repeal of section 20.865 (1) (cc), (id), (mb), (sb), and (xb) of the statutes takes effect on June 30, 2003.

(END)