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(edit)

SENATE BILL 44

1 without change that portion of the tentative agreement introduced by the joint
2 committee on employment relations, the tentative agreement shall be returned to
3 the parties for renegotiation.

4 *b0274/1.4* SECTION 1992m. 111.94 (1) of the statutes is amended to read:

5 111.94 (1) The commission may adopt reasonable and proper rules relative to
6 the exercise of its powers and authority and proper rules to govern its proceedings
7 and to regulate the conduct of all elections and hearings. The commission shall, upon
8 request, provide a transcript of a proceeding to any party to the proceeding for a fee,
9 established by rule, by the commission at a uniform rate per page. All transcript fees
10 shall be credited to the appropriation account under s. 20.425 (1) (i), ~~except that fees~~
11 ~~collected in excess of the uniform rate per page for any transcript produced by a~~
12 ~~reporter who is not employed by the commission shall be credited to the~~
13 ~~appropriation account under s. 20.425 (1) (g).~~

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14 *-1634/7.51* SECTION 1993. 114.33 (10) of the statutes is amended to read:

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15 114.33 (10) Subject to the approval of the governor under this subsection, the
16 secretary may sell at public or private sale property of whatever nature owned by the
17 state and under the jurisdiction of the secretary when the secretary determines that
18 the property is no longer necessary for the state's use for airport purposes and, if real
19 property, the real property is not the subject of a petition under s. 16.375 560.9810.
20 The secretary shall present to the governor a full and complete report of the property
21 to be sold, the reason for the sale, and the minimum price for which the property
22 should be sold, together with an application for the governor's approval of the sale.
23 The governor shall investigate the proposed sale as he or she deems necessary and
24 approve or disapprove the application. Upon approval and receipt of the full
25 purchase price, the secretary shall by appropriate deed or other instrument transfer

SENATE BILL 44**SECTION 1993**

1 the property to the purchaser. The funds derived from the sale shall be deposited in
2 the appropriate airport fund, and the expense incurred by the secretary in
3 connection with the sale shall be paid from that fund.

4 ***b0337/1.3* SECTION 1993m.** 115.28 (11) (intro.) of the statutes is amended to
5 read:

6 115.28 (11) DRIVER EDUCATION COURSES. (intro.) Approve driver education
7 courses offered by school districts, county children with disabilities education
8 boards, and technical college districts for the purposes of ss. ~~121.41(1)~~ and s. 343.16
9 (1) (c) 1. and establish minimum standards for driver education courses offered in
10 private schools for the purposes of s. 343.16 (1) (c) 3. All driver education courses
11 approved or for which standards are established under this subsection shall do all
12 of the following:

13 ***b0340/2.3* SECTION 1993g.** 115.28 (7) (d) of the statutes is renumbered 115.28
14 (7) (d) 1. and amended to read:

15 115.28 (7) (d) 1. ~~Annually,~~ Except as provided in subd. 2., annually establish
16 fees for the certification or licensure of school and public library personnel sufficient
17 to fund certification and licensing administrative costs.

18 ***b0340/2.3* SECTION 1993r.** 115.28 (7) (d) 2. of the statutes is created to read:

19 115.28 (7) (d) 2. Charge a fee of \$150 for an initial or renewal teacher or
20 administrator license issued to a resident of this state.

21 ***b0306/4.44* SECTION 1994d.** 115.28 (25) of the statutes is amended to read:

22 115.28 (25) SCHOOL TECHNOLOGY RESOURCE GRANTS. Consult with the ~~technology~~
23 ~~for educational achievement in Wisconsin board~~ department of administration
24 before awarding school technology resource grants under 20 USC 6842.

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1 *~~1301/4.1~~* SECTION 1995. 115.28 (30) (b) 1. to 6. of the statutes are amended
2 to read:

3 115.28 (30) (b) 1. ~~Two~~ One full-time consultants consultant in agriculture
4 education.

5 2. ~~Two~~ One full-time consultants consultant in business education.

6 3. ~~Two~~ One full-time consultants consultant in technology education.

7 4. ~~Two~~ One full-time consultants consultant in family and consumer sciences
8 education.

9 5. ~~Two~~ One full-time consultants consultant in marketing education.

10 6. ~~One full-time~~ half-time consultant in health science education.

11 *~~b0321/1.3~~* SECTION 1995m. 115.28 (47) of the statutes is repealed.

12 *~~b0323/1.3~~* SECTION 1995m. 115.28 (45) of the statutes is repealed.

13 *~~b0340/2.4~~* SECTION 1995m. 115.28 (50) of the statutes is created to read:

14 115.28 (50) MENTORS. Annually distribute the amount appropriated under s.
15 20.255 (2) (hg) to school districts based on the number of full-time equivalent
16 teachers employed by the school district. The school district shall use the money to
17 fund mentors, as defined in s. PI 34.01 (34), Wis. Adm. Code.

18 *~~b0359/2.1~~* SECTION 1995m. 115.28 (51) of the statutes is created to read:

19 *~~b0359/2.1~~* 115.28 (51) PLAN FOR USE OF FEDERAL FUNDS. Annually submit to
20 the joint committee on finance a plan for using federal funds for administrative
21 purposes. If the cochairpersons of the committee do not notify the department within
22 14 working days after the date of the plan's submission that the committee has
23 scheduled a meeting for the purpose of reviewing the plan, the plan may be
24 implemented as proposed by the department. If, within 14 working days after the
25 date of the plan's submission, the cochairpersons of the committee notify the

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SECTION 1995m

1 department that the committee has scheduled a meeting for the purpose of reviewing
2 the proposed plan, the plan may be implemented only upon approval of the
3 committee.

4 ***-0099/3.2* SECTION 1996.** 115.29 (4) of the statutes is renumbered 115.29 (4)
5 (a).

6 ***-0099/3.3* SECTION 1997.** 115.29 (4) (b) of the statutes is created to read:

7 115.29 (4) (b) Promulgate rules establishing fees for issuing a declaration of
8 equivalency of high school graduation or a general educational development
9 certificate under par. (a). The rules may provide exemptions from the fees based on
10 financial need.

11 ***-0529/4.181* SECTION 1998.** 115.345 (5) of the statutes is amended to read:

12 115.345 (5) The school board may file a claim with the department for
13 reimbursement for reasonable expenses incurred, excluding capital equipment
14 costs, but not to exceed 15% of the cost of the meal or 50 cents per meal, whichever
15 is less. Any cost in excess of the lesser amount may be charged to participants. If
16 the department approves the claim, it shall certify that payment is due and the state
17 ~~treasurer~~ secretary of administration shall pay the claim from the appropriation
18 under s. 20.255 (2) (cn).

19 ***b0320/1.3* SECTION 1998m.** 115.75 of the statutes is repealed.

20 ***b0337/1.4* SECTION 1998m.** 115.817 (10) (a) of the statutes is amended to
21 read:

22 115.817 (10) (a) The board may apply for and receive the state aid under ~~ss. s.~~
23 115.88 and ~~121.41 (1)~~ for the transportation, board and lodging, treatment, and
24 instruction of children participating in programs under this section.

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SECTION 1998m

1 ***b0354/3.2*** SECTION 1998m. 115.88 (1m) (a) and (am) of the statutes are
2 amended to read:

3 115.88 (1m) (a) If, upon receipt of the plan under s. 115.77 (4), the state
4 superintendent is satisfied that the special education program has been maintained
5 during the preceding school year in accordance with law, the state superintendent
6 shall certify to the department of administration in favor of each county, cooperative
7 educational service agency and school district maintaining such special education
8 program a sum equal to the amount expended by the county, agency and school
9 district during the preceding year for salaries of personnel enumerated in sub. (1),
10 including the salary portion of any authorized contract for physical or occupational
11 therapy services, and other expenses approved by the state superintendent as costs
12 eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2)
13 (b) and (bb).

14 (am) If the operator of a charter school established under s. 118.40 (2r) operates
15 a special education program and the state superintendent is satisfied that the
16 operator of the charter school is complying with 20 USC 1400 to 1491o, the state
17 superintendent shall certify to the department of administration in favor of the
18 operator of the charter school a sum equal to the amount that the operator of the
19 charter school expended during the previous school year for salaries of full-time or
20 part-time licensed teachers, licensed coordinators of special education, licensed
21 school social workers, licensed school psychologists, paraprofessionals, licensed
22 consulting teachers to work with any teacher of regular education programs who has
23 a child with a disability in a class and any other personnel, as determined by the state
24 superintendent. Certified costs under this paragraph are eligible for reimbursement
25 from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb). The state

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SECTION 1998m

1 superintendent may audit costs under this paragraph and adjust reimbursement to
2 cover only actual, eligible costs.

3 *b0354/3.2* SECTION 1998n. 115.88 (2), (2m), (3), (4) and (6) of the statutes are
4 amended to read:

5 115.88 (2) TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)
6 the state superintendent is satisfied that the transportation of children with
7 disabilities has been maintained during the preceding year in accordance with the
8 law, the state superintendent shall certify to the department of administration in
9 favor of each county, cooperative educational service agency, or school district
10 transporting such pupils an amount equal to the amount expended for such
11 transportation as costs eligible for reimbursement from the ~~appropriation~~
12 appropriations under s. 20.255 (2) (b) and (bb). Pupils for whom aid is paid under
13 this subsection shall not be eligible for aid under s. 121.58 (2) or (4). This subsection
14 applies to any child with a disability who requires special assistance in
15 transportation, including any such child attending regular classes who requires
16 special or additional transportation. This subsection does not apply to any child with
17 a disability attending regular or special classes who does not require any special or
18 additional transportation.

19 (2m) OTHER TRANSPORTATION AID. If the operator of a charter school established
20 under s. 118.40 (2r) transports children with disabilities and the state
21 superintendent is satisfied that the operator of the charter school is complying with
22 20 USC 1400 to 1491o, the state superintendent shall certify to the department of
23 administration in favor of the operator of the charter school a sum equal to the
24 amount that the operator of the charter school expended during the previous school
25 year for transportation under this subsection as costs eligible for reimbursement

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1 from the appropriations under s. 20.255 (2) (b) and (bb). The state superintendent
2 may audit costs under this subsection and adjust reimbursement to cover only
3 actual, eligible costs.

4 (3) BOARD AND LODGING AID. There shall be paid the amount expended for board
5 and lodging and transportation between the boarding home and the special
6 education program of nonresident children enrolled under s. 115.82 (1) in the special
7 education program. The department shall certify to the department of
8 administration in favor of each school district, cooperative educational service
9 agency, county children with disabilities education board, state agency of another
10 state or private, nonsectarian special education service which operates the special
11 education program while providing board, lodging and transportation an amount
12 equal to the amount expended for such board and lodging and transportation as costs
13 eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2)
14 (b) and (bb).

15 (4) HOSPITALS AND CONVALESCENT HOME AID. The full cost of special education for
16 children in hospitals and convalescent homes for orthopedically disabled children
17 shall be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and (bb).
18 The supervision of such instruction shall be under the department and the school
19 board of the school district in which the hospital or convalescent home is located. The
20 school board of the district in which the hospital or convalescent home is located shall
21 submit to the department an itemized statement of all revenues and expenditures
22 for the actual cost of such instruction and any other information it requires.

23 (6) AID FOR INSTRUCTION OUTSIDE OF DISTRICT. The department shall certify to
24 the department of administration, in favor of each school district, an amount equal
25 to the amount expended for salaries and travel expenses, as determined in advance

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SECTION 1998n

1 by the state superintendent, for providing special education outside the school
2 district of employment, as eligible for reimbursement from the ~~appropriation~~
3 appropriations under s. 20.255 (2) (b) and (bb).

4 *b0354/3.2* SECTION 1998no. 115.88 (8) of the statutes is amended to read:

5 115.88 (8) ENROLLMENT OUT OF STATE. If a child with a disability is enrolled in
6 a public special education program located in another state and the state
7 superintendent is satisfied that the program in which the child is enrolled complies
8 with this subchapter, the state superintendent shall certify to the department of
9 administration in favor of the school district in which the child resides or the school
10 district attended by the child under s. 118.51 or 121.84 (1) (a) or (4) a sum equal to
11 the amount expended by the school district during the preceding year for the
12 additional costs associated with the child's special education program as costs
13 eligible for reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2)
14 (b) and (bb).”.

15 *-0194/9.16* SECTION 1999. 115.882 of the statutes is amended to read:

16 115.882 **Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
17 shall be used first for the purpose of s. 115.88 (4). Costs eligible for reimbursement
18 from the appropriation under s. 20.255 (2) (b) under ss. 115.88 (1m) to (3), (6) and (8),
19 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
20 appropriated for reimbursement for the costs, less the amount paid by the
21 department of health and family services under s. 20.435 (4) (b) and (o) under s. 49.45
22 (39) (b) 1m., not to exceed 100%.

23 *b0354/3.3* SECTION 1999c. 115.882 of the statutes, as affected by 2003
24 Wisconsin Act (this act), is amended to read:

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1 **115.882 Payment of state aid.** Funds appropriated under s. 20.255 (2) (b)
2 and (bb) shall be used first for the purpose of s. 115.88 (4). Costs eligible for
3 reimbursement from the ~~appropriation~~ appropriations under s. 20.255 (2) (b) and
4 (bb) under ss. 115.88 (1m) to (3), (6) and (8), 115.93, and 118.255 (4) shall be
5 reimbursed at a rate set to distribute the full amount appropriated for
6 reimbursement for the costs, less the amount paid by the department of health and
7 family services under s. 20.435 (4) (hm) and (o) under s. 49.45 (39) (b) 1m., not to
8 exceed 100%.

9 ***b0354/3.3* SECTION 1999n.** 115.93 of the statutes is amended to read:

10 **115.93 State aid.** If upon receipt of the reports under s. 115.92 (2) the state
11 superintendent is satisfied that the school age parents program has been maintained
12 during the preceding school year in accordance with the rules under s. 115.92 (3), the
13 state superintendent shall certify to the department of administration in favor of
14 each school district maintaining the program a sum equal to the amount expended
15 by the school district during the preceding school year for salaries of teachers and
16 instructional aides, special transportation and other expenses approved by the state
17 superintendent as costs eligible for reimbursement from the ~~appropriation~~
18 appropriations under s. 20.255 (2) (b) and (bb).

19 ***-0666/9.96* SECTION 2000.** Subchapter VIII (title) of chapter 115 [precedes
20 115.997] of the statutes is created to read:

21 **CHAPTER 115**

22 **SUBCHAPTER VIII**

23 **TECHNOLOGY FOR**

24 **EDUCATIONAL ACHIEVEMENT**

25 ***-0666/9.97* SECTION 2001.** 115.997 (3p) of the statutes is created to read:

SENATE BILL 44**SECTION 2001**

1 115.997 (3p) “Public museum” means a nonprofit or publicly owned museum
2 located in this state that is accredited by the American Association of Museums or
3 an educational center that is affiliated with such a museum.

 ***NOTE: This is reconciled s. 115.997 (3p). This SECTION has been affected by
drafts with the following LRB numbers: LRB–0392/2 and LRB–0666/8.

4 *~~1289/7.108~~* **SECTION 2002.** 115.997 (4) of the statutes, as affected by 2003
5 Wisconsin Act ... (this act), is amended to read:

6 115.997 (4) “Telecommunications” has the meaning given in s. ~~22.01~~ 16.97 (10).

 ***NOTE: This is reconciled s. 115.997 (4). This SECTION has been affected by drafts
with the following LRB numbers: LRB–0666/9 and LRB–1289/6.

7 *~~0666/9.98~~* **SECTION 2003.** 115.999 (3m) of the statutes is created to read:

8 115.999 (3m) LOAN FORGIVENESS. To the extent that sufficient moneys are
9 available in the appropriation account under s. 20.255 (4) (mp) after payment of the
10 administrative expenses specified in s. 20.255 (4) (mp), the department shall use 50%
11 of those available moneys to forgive the repayment of loans provided to school
12 districts and public library boards under this section, including loans to
13 municipalities on behalf of public library boards, and 50% of those available moneys
14 to reimburse s. 20.255 (4) (er) and (es) for the payment of principal and interest costs
15 incurred in financing educational technology infrastructure financial assistance
16 under this section and to make full payment of the amounts determined by the
17 building commission under s. 13.488 (1) (m). If the moneys available to forgive the
18 repayment of loans provided to school districts and public library boards under this
19 section, including loans to municipalities on behalf of public library boards, is
20 insufficient to forgive the repayment of all of those loans, the department shall
21 forgive the repayment of those loans on a prorated basis.

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1 ***-1289/7.109*** SECTION 2004. 115.9995 (3) of the statutes, as affected by 2003
2 Wisconsin Act (this act), is amended to read:

3 115.9995 (3) The department of public instruction shall submit an annual
4 report to the department of administration on the status of providing data lines and
5 video links that are requested under sub. (2) (a) and the impact on the universal
6 service fund of any payment under contracts under s. ~~16.974~~ 16.971 (13) to (16).

 ****NOTE: This is reconciled s. 115.9995 (3). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0666/9 and LRB-1289/6.

7 ***-1289/7.110*** SECTION 2005. 115.9995 (6) (a) of the statutes, as affected by
8 2003 Wisconsin Act (this act), is amended to read:

9 115.9995 (6) (a) From the appropriation under s. 20.255 (4) (s) or (tm), the
10 department may award an annual grant to a school district or private school that had
11 in effect on October 14, 1997, a contract for access to a data line or video link, as
12 documented by the department. The department shall determine the amount of the
13 grant, which shall be equal to the cost incurred by the state to provide
14 telecommunications access to a school district or private school under a contract
15 entered into under s. ~~16.974 (1) or (3)~~ 16.971 (13) or (15) less the amount that the
16 school district or private school would be paying under sub. (2) (d) if the school district
17 or private school were participating in the program established under sub. (1), except
18 that the amount may not be greater than the cost that a school district or private
19 school incurs under the contract in effect on October 14, 1997. A school district or
20 private school receiving a grant under this subsection is not eligible to participate in
21 the program under sub. (1). No grant may be awarded under this subsection after
22 December 31, 2005.

 ****NOTE: This is reconciled s. 115.9995 (6) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0666/9 and LRB-1289/6.

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SECTION 2006

1 ***-1269/1.1*** SECTION 2006. 118.153 (1) (a) (intro.) of the statutes is amended
2 to read:

3 118.153 (1) (a) (intro.) “Children at risk” means pupils in grades 5 to 12 who
4 are at risk of not graduating from high school because they failed the high school
5 graduation examination administered under s. 118.30 (1m) (d), are dropouts, or are
6 2 or more of the following:

7 ***-1599/1.6*** SECTION 2007. 118.153 (4) (b) of the statutes is amended to read:

8 118.153 (4) (b) Upon receipt of a school board’s annual report under par. (a) the
9 state superintendent shall pay to the school district from the appropriation under s.
10 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved
11 at least 3 of the objectives under par. (c) in the previous school year, additional state
12 aid in an amount equal to 10% of the school district’s average per pupil aids provided
13 under s. 20.835 (7) (a), 1991 stats., and s. 20.255 (2) (ac) and (r) in the previous school
14 year.

15 ***b0257/4.6*** SECTION 2007m. 118.153 (4) (b) of the statutes, as affected by 2003
16 Wisconsin Act (this act), is amended to read:

17 118.153 (4) (b) Upon receipt of a school board’s annual report under par. (a) the
18 state superintendent shall pay to the school district from the appropriation under s.
19 20.255 (2) (bc), for each pupil enrolled in a program for children at risk who achieved
20 at least 3 of the objectives under par. (c) in the previous school year, additional state
21 aid in an amount equal to 10% of the school district’s average per pupil aids provided
22 under s. 20.835 (7) (a), 1991 stats., s. 20.255 (2) (r), 2003 stats., and s. 20.255 (2) (ac)
23 and (r) in the previous school year.

24 ***-1269/1.2*** SECTION 2008. 118.153 (4) (c) 3. of the statutes is amended to read:

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1 118.153 (4) (c) 3. The pupil, if a high school senior, received a high school
2 diploma or passed the high school graduation examination administered under s.
3 118.30 (1m) (d).

4 ***b0354/3.4* SECTION 2009m.** 118.255 (4) of the statutes is amended to read:

5 118.255 (4) If the state superintendent is satisfied that the health treatment
6 services program has been maintained during the preceding school year in
7 accordance with law, the state superintendent shall certify to the department of
8 administration in favor of each school board, cooperative educational service agency
9 and county children with disabilities education board maintaining such health
10 treatment services, an amount equal to the amount expended for items listed in s.
11 115.88 (1m) by the school board, cooperative educational service agency and county
12 children with disabilities education board during the preceding year for these health
13 treatment services as costs eligible for reimbursement from the ~~appropriation~~
14 appropriations under s. 20.255 (2) (b) and (bb).

15 ***-1269/1.3* SECTION 2010.** 118.30 (1) (a) of the statutes is renumbered 118.30
16 (1).

17 ***-1269/1.4* SECTION 2011.** 118.30 (1) (b) of the statutes is repealed.

18 ***-1269/1.5* SECTION 2012.** 118.30 (1g) (b) of the statutes is repealed.

19 ***-1269/1.6* SECTION 2013.** 118.30 (1m) (d) of the statutes is repealed.

20 ***-1269/1.7* SECTION 2014.** 118.30 (1r) (a) 1. of the statutes is amended to read:

21 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
22 examination adopted or approved by the state superintendent under sub. (1) (a) to
23 all pupils enrolled in the charter school in the 4th grade.

24 ***-1269/1.8* SECTION 2015.** 118.30 (1r) (am) 1. of the statutes is amended to
25 read:

SENATE BILL 44**SECTION 2015**

1 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
2 examination adopted or approved by the state superintendent under sub. (1) (a) to
3 all pupils enrolled in the charter school in the 8th grade.

4 *~~1269/1.9~~* **SECTION 2016.** 118.30 (1r) (d) of the statutes is repealed.

5 *~~1269/1.10~~* **SECTION 2017.** 118.30 (2) (e) of the statutes is repealed.

6 *~~1269/1.11~~* **SECTION 2018.** 118.33 (1) (f) 1. of the statutes is amended to read:

7 118.33 (1) (f) 1. By September 1, 2004, each school board operating high school
8 grades shall develop a written policy specifying criteria for granting a high school
9 diploma that are in addition to the requirements under par. (a). The criteria shall
10 include ~~the pupil's score on the examination administered under s. 118.30 (1m) (d),~~
11 the pupil's academic performance, and the recommendations of teachers. Except as
12 provided in subd. 2., the criteria apply to pupils enrolled in charter schools located
13 in the school district.

14 *~~1269/1.12~~* **SECTION 2019.** 118.33 (1) (f) 2. of the statutes is amended to read:

15 118.33 (1) (f) 2. By September 1, 2004, each operator of a charter school under
16 s. 118.40 (2r) that operates high school grades shall develop a policy specifying
17 criteria for granting a high school diploma. The criteria shall include ~~the pupil's~~
18 ~~score on the examination administered under s. 118.30 (1r) (d),~~ the pupil's academic
19 performance, and the recommendations of teachers.

20 *~~1689/3.47~~* **SECTION 2020.** 118.34 (4) of the statutes is repealed.

21 *~~b0339/1.1~~* **SECTION 2020g.** 118.40 (2r) (c) 1. of the statutes is amended to
22 read:

23 118.40 (2r) (c) 1. ~~Only~~ Except as provided in subd. 2., only pupils who reside
24 in the school district in which a charter school established under this subsection is
25 located may attend the charter school.

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SECTION 2020r

1 ***b0339/1.1* SECTION 2020r.** 118.40 (2r) (c) 2. of the statutes is repealed and
2 recreated to read:

3 118.40 (2r) (c) 2. A pupil who resides outside the school district operating under
4 ch. 119 may attend a charter school established under this subsection in the school
5 district operating under ch. 119.

6 ***b0358/1.1* SECTION 2020m.** 118.40 (2r) (cm) of the statutes is amended to
7 read:

8 118.40 (2r) (cm) The chancellor of the University of Wisconsin–Parkside may
9 establish or enter into a contract for the establishment of only one charter school
10 under this subsection, which may not operate high school grades ~~and which may not~~
11 accommodate more than 400 pupils.

12 ***-1571/4.1* SECTION 2021.** 118.40 (2r) (e) 1. of the statutes is amended to read:

13 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
14 department shall pay to the operator of the charter school an amount equal to the
15 sum of the amount paid per pupil under this subdivision in the previous school year
16 and the ~~amount of revenue increase in the per pupil allowed under subch. VII of ch.~~
17 ~~121 amount paid to private schools under s. 119.23 (4) (b) 2.~~ in the current school year
18 as compared to the previous school year, multiplied by the number of pupils
19 attending the charter school. The amount paid per pupil may not be less than the
20 amount paid per pupil under this subdivision in the previous school year. The
21 department shall pay 25% of the total amount in September, 25% in December, 25%
22 in February, and 25% in June. The department shall send the check to the operator
23 of the charter school.

24 ***b0354/3.5* SECTION 2021m.** 118.43 (3) (intro.) of the statutes is amended to
25 read:

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SECTION 2021m

1 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)
2 and (ar) and sub. (4m), an achievement guarantee contract shall require the school
3 board to do all of the following in each participating school:

4 ***b0354/3.5* SECTION 2021n.** 118.43 (4m) of the statutes is created to read:

5 118.43 (4m) EXCEPTIONS. A school district participating in the program under
6 this section on the effective date of this subsection [revisor inserts date], may
7 choose not to comply with the requirement to reduce class size to 15 in grades 2 or
8 3 in any school.

9 ***b0354/3.5* SECTION 2021no.** 118.43 (6) (b) (intro.) of the statutes is amended
10 to read:

11 118.43 (6) (b) (intro.) From the appropriations under s. 20.255 (2) (cu) and (cv),
12 subject to par. (c), the department shall pay to each school district that has entered
13 into a contract with the department under this section, except for a school district
14 under sub. (4m), an amount determined as follows:

15 ***b0354/3.5* SECTION 2021nr.** 118.43 (6) (b) 8. of the statutes is amended to
16 read:

17 118.43 (6) (b) 8. In the 2003–04 and 2004–05 school years, \$2,000 multiplied
18 by the number of low–income pupils enrolled in grades eligible for funding in each
19 school in the school district covered by contracts under sub. (3) (ar) and by renewals
20 of contracts under sub. (2) (g) and \$2,000 multiplied by the number of low–income
21 pupils enrolled in those grades under sub. (4m) in which the class size has been
22 reduced to 15.

23 ***b0358/1.2* SECTION 2021m.** 118.40 (2r) (e) 2. of the statutes is amended to
24 read:

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1 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin–Parkside
2 establishes or contracts for the establishment of a charter school under this
3 subsection, in March the department shall pay to the unified school district in which
4 the charter school is located, from the appropriation under s. 20.255 (2) (fm), an
5 amount equal to the amount of school aid per pupil to which the unified school district
6 is eligible in the current school year multiplied by the number of pupils, not to exceed
7 400, attending the charter school who were previously enrolled in the unified school
8 district.

9 ***b0338/1.1* SECTION 2022d.** 119.23 (2) (a) (intro.) of the statutes is amended
10 to read:

11 119.23 (2) (a) (intro.) Subject to par. ~~(b)~~ (e), any pupil in grades kindergarten
12 to 12 who resides within the city may attend, at no charge, any private school located
13 in the city Milwaukee County if all of the following apply:

14 ***b0338/1.1* SECTION 2022h.** 119.23 (2) (a) 2. of the statutes is repealed.

15 ***b0338/1.1* SECTION 2022p.** 119.23 (2) (b) of the statutes is repealed.

16 ***b0338/1.1* SECTION 2022t.** 119.23 (2) (e) of the statutes is created to read:

17 119.23 (2) (e) A pupil who attends a private school under this section is eligible
18 to attend a private school under this section in succeeding school years even if the
19 pupil no longer meets the criterion under par. (a) 1.

20 ***-1571/4.2* SECTION 2023.** 119.23 (4) (b) 2. of the statutes is amended to read:

21 119.23 (4) (b) 2. The ~~sum of the amount paid per pupil under this subsection~~
22 paragraph in the previous school year and the amount of revenue increase per pupil
23 allowed under subch. VII of ch. 121 in the current school year multiplied by the sum
24 of 1.0 plus the percentage change from the previous school year to the current school

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1 year in the total amount appropriated under s. 20.255 (2) (ac) and (r) expressed as
2 a decimal, but not less than zero.

***NOTE: This is reconciled s. 119.23 (4) (b) 2. It cross-references s. 20.255 (2) (r),
created in LRB–1599.

3 ***-1752/3.47* SECTION 2024.** 119.72 of the statutes is repealed.

4 ***-1752/3.48* SECTION 2025.** 119.73 of the statutes is amended to read:

5 **119.73 Kindergarten and early childhood programs.** The board shall
6 evaluate the effectiveness of the expanded 5-year-old kindergarten programs under
7 s. 119.71 and the early childhood education programs under s. 119.72 in meeting the
8 needs of disadvantaged children. Annually by January 1, the board shall submit a
9 report summarizing its findings to the state superintendent and to the chief clerk of
10 each house of the legislature for distribution to the appropriate standing committees
11 under s. 13.172 (3).

12 ***-1752/3.49* SECTION 2026.** 119.80 of the statutes is repealed.

13 ***-1752/3.50* SECTION 2027.** 119.82 (1) (a) of the statutes is renumbered 119.82
14 (1m).

15 ***-1752/3.51* SECTION 2028.** 119.82 (1) (b) of the statutes is renumbered 119.82
16 (2m) and amended to read:

17 119.82 (2m) Programs under ~~par. (a)~~ sub. (1m) shall be designed to meet the
18 high school graduation requirements under s. 118.33.

19 ***-1752/3.52* SECTION 2029.** 119.82 (2) of the statutes is repealed.

20 ***-1752/3.53* SECTION 2030.** 119.82 (3) of the statutes is repealed.

21 ***-1752/3.54* SECTION 2031.** 119.82 (5) of the statutes is repealed.

22 ***b0306/4.45* SECTION 2032d.** 120.18 (1) (i) of the statutes is amended to read:

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1 120.18 (1) (i) A description of the educational technology used by the school
2 district, including the uses made of the technology, the cost of the technology, and the
3 number of persons using or served by the technology. In this paragraph, “educational
4 technology” has the meaning given in s. 44.70 16.99 (3).

5 ***b0346/4.1* SECTION 2032e.** 121.004 (7) (c) 1. c. of the statutes is created to
6 read:

7 121.004 (7) (c) 1. c. A pupil enrolled in a 4-year-old kindergarten program who
8 is not a child with a disability shall be counted as 0.25 pupil.

9 ***b0346/4.1* SECTION 2032g.** 121.004 (7) (cm) of the statutes is amended to
10 read:

11 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program that
12 provides the required number of hours of direct pupil instruction under s. 121.02 (1)
13 (f) 2. shall be counted as 0.6 pupil if the pupil is a child with a disability and the
14 program annually provides at least 87.5 additional hours of outreach activities.

15 ***b0361/1.1* SECTION 2032m.** 121.004 (7) (f) of the statutes is renumbered
16 121.004 (7) (f) (intro.) and amended to read:

17 121.004 (7) (f) (intro.) A pupil who transfers from one school district to another
18 under s. 121.85 (3) (a) shall:

19 1. In the 2003–04 school year, be counted by the school district in which the
20 pupil resides as 0.75 pupil or, if appropriate, as a number equal to the result obtained
21 by multiplying 0.75 by the appropriate fraction under par. (c), (cm) or (d).

22 ***b0361/1.1* SECTION 2032n.** 121.004 (7) (f) 2. of the statutes is created to read:

23 121.004 (7) (f) 2. In the 2004–05 school year, be counted by the school district
24 in which the pupil resides as 0.65 pupil, or, if appropriate, as a number equal to the

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SECTION 2032n

1 result obtained by multiplying 0.65 by the appropriate fraction under par. (c), (cm),
2 or (d).

3 *b0361/1.1* SECTION 2032o. 121.004 (7) (f) 3. of the statutes is created to read:

4 121.004 (7) (f) 3. In the 2005–06 school year and each subsequent school year,
5 be counted by the school district in which the pupil resides as 0.50 pupil, or, if
6 appropriate, as a number equal to the result obtained by multiplying 0.50 by the
7 appropriate fraction under par. (c), (cm), or (d).

8 *-1599/1.7* SECTION 2033. 121.007 of the statutes is amended to read:

9 **121.007 Use of state aid; exemption from execution.** All moneys paid to
10 a school district under s. 20.255 (2) (ac), (bc), (cg), ~~and (cr)~~, and (r) shall be used by
11 the school district solely for the purposes for which paid. Such moneys are exempt
12 from execution, attachment, garnishment, or other process in favor of creditors,
13 except as to claims for salaries or wages of teachers and other school employees and
14 as to claims for school materials, supplies, fuel, and current repairs.

15 *b0257/4.7* SECTION 2033m. 121.007 of the statutes, as affected by 2003
16 Wisconsin Act (this act), is amended to read:

17 **121.007 Use of state aid; exemption from execution.** All moneys paid to
18 a school district under s. 20.255 (2) (ac), (bc), (cg), and (cr), ~~and (r)~~ shall be used by
19 the school district solely for the purposes for which paid. Such moneys are exempt
20 from execution, attachment, garnishment, or other process in favor of creditors,
21 except as to claims for salaries or wages of teachers and other school employees and
22 as to claims for school materials, supplies, fuel, and current repairs.

23 *-1599/1.8* SECTION 2034. 121.07 (7) (b) of the statutes is amended to read:

24 121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,
25 rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09

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1 and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount
2 remaining in the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) ~~plus~~
3 \$75,000,000 in the 1997–98 school year and \$100,000,000 in the 1998–99 school year
4 for payments under ss. ~~121.08, 121.105, 121.85 (6) (a) and (g) and 121.86 and (r).~~

5 *b0257/4.8* SECTION 2034m. 121.07 (7) (b) of the statutes, as affected by 2003
6 Wisconsin Act (this act), is amended to read:

7 121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,
8 rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09
9 and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount
10 remaining in the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) ~~and (r).~~

11 *-1599/1.9* SECTION 2036. 121.08 (4) (a) (intro.) of the statutes is amended to
12 read:

13 121.08 (4) (a) (intro.) The amount of state aid that a school district is eligible
14 to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and (r) shall
15 be reduced by the amount determined as follows:

16 *b0257/4.9* SECTION 2036m. 121.08 (4) (a) (intro.) of the statutes, as affected
17 by 2003 Wisconsin Act (this act), is amended to read:

18 121.08 (4) (a) (intro.) The amount of state aid that a school district is eligible
19 to be paid from the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) ~~and (r)~~ shall
20 be reduced by the amount determined as follows:

21 *-1599/1.10* SECTION 2037. 121.08 (4) (a) 2. of the statutes is amended to read:

22 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid
23 that all school districts are eligible to be paid from the ~~appropriation~~ appropriations
24 under s. 20.255 (2) (ac) and (r), calculated as if the reduction under par. (b) had not
25 occurred.

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SECTION 2037m

1 ***b0257/4.10* SECTION 2037m.** 121.08 (4) (a) 2. of the statutes, as affected by
2 2003 Wisconsin Act (this act), is amended to read:

3 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid
4 that all school districts are eligible to be paid from the ~~appropriations~~ appropriation
5 under s. 20.255 (2) (ac) ~~and (r)~~, calculated as if the reduction under par. (b) had not
6 occurred.

7 ***-1599/1.11* SECTION 2038.** 121.08 (4) (a) 3. of the statutes is amended to read:

8 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is
9 eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255 (2) (ac) and
10 (r), calculated as if the reduction under par. (b) had not occurred, by the quotient
11 under subd. 2.

12 ***b0257/4.11* SECTION 2038m.** 121.08 (4) (a) 3. of the statutes, as affected by
13 2003 Wisconsin Act (this act), is amended to read:

14 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is
15 eligible to be paid from the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) ~~and~~
16 ~~(r)~~, calculated as if the reduction under par. (b) had not occurred, by the quotient
17 under subd. 2.

18 ***-1599/1.12* SECTION 2039.** 121.08 (4) (b) of the statutes is amended to read:

19 121.08 (4) (b) The amount of state aid that the school district operating under
20 ch. 119 is eligible to be paid from the ~~appropriation~~ appropriations under s. 20.255
21 (2) (ac) and (r) shall also be reduced by 45% of the amounts paid under s. 119.23 (4)
22 and (4m) in the current school year.

23 ***b0257/4.12* SECTION 2039m.** 121.08 (4) (b) of the statutes, as affected by 2003
24 Wisconsin Act (this act), is amended to read:

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1 21.08 (4) (b) The amount of state aid that the school district operating under
2 ch. 119 is eligible to be paid from the ~~appropriations~~ appropriation under s. 20.255
3 (2) (ac) ~~and (r)~~ shall also be reduced by 45% of the amounts paid under s. 119.23 (4)
4 and (4m) in the current school year.

5 ***b0362/2.4* SECTION 2041m.** 121.09 (2m) of the statutes is created to read:

6 21.09 (2m) If after June 30, 1995, and before the effective date of this
7 subsection [revisor inserts date], the state board of assessors, the office of the
8 commissioner of tax appeals, or a court makes a final redetermination on the
9 assessment of telephone company property subject to taxation under s. 70.112 (4)
10 and subch. IV of ch. 76 that is lower than the previous assessment, the school board
11 of the school district in which the property is located may, within 4 years after the
12 effective date of this subsection [revisor inserts date], file the redetermination
13 with the state superintendent, requesting an adjustment in state aid to the school
14 district. If the state superintendent determines that the redetermination is final and
15 that it has been filed within the 4-year period, the state shall pay to the school
16 district in the subsequent fiscal year, from the appropriation under s. 20.255 (2) (ac),
17 an amount equal to the difference between the state aid computed under s. 121.08
18 for the school year commencing after the year subject to the valuation recertification,
19 using the school district's equalized valuation as originally certified, and the state
20 aid computed under s. 121.08 for that school year using the school district's equalized
21 valuation as recertified under s. 70.57 (2).

22 ***b0362/2.4* SECTION 2041r.** 121.09 (2r) of the statutes is created to read:

23 21.09 (2r) If after the effective date of this subsection [revisor inserts date],
24 the state board of assessors, the office of the commissioner of tax appeals, or a court
25 makes a final redetermination on the assessment of telephone company property

SENATE BILL 44**SECTION 2041r**

1 subject to taxation under s. 70.112 (4) and subch. IV of ch. 76 that is lower than the
2 previous assessment, the school board of the school district in which the property is
3 located may, within 4 years after the redetermination, file the redetermination with
4 the state superintendent, requesting an adjustment in state aid to the school district.
5 If the state superintendent determines that the redetermination is final and that it
6 has been filed within the 4–year period, the state shall pay to the school district in
7 the subsequent fiscal year, from the appropriation under s. 20.255 (2) (ac), an amount
8 equal to the difference between the state aid computed under s. 121.08 for the school
9 year commencing after the year subject to the valuation recertification, using the
10 school district’s equalized valuation as originally certified, and the state aid
11 computed under s. 121.08 for that school year using the school district’s equalized
12 valuation as recertified under s. 70.57 (2).

13 *–1563/2.2* SECTION 2042. 121.15 (3m) of the statutes is repealed.

14 *b0337/1.5* SECTION 2042c. 121.41 (1) of the statutes is repealed.

15 *b0337/1.5* SECTION 2042m. 121.41 (2) (title) of the statutes is repealed.

16 *b0337/1.5* SECTION 2042s. 121.41 (2) of the statutes is renumbered 121.41.

17 *b0339/1.2* SECTION 2042m. 121.54 (2) (c) of the statutes is amended to read:

18 121.54 (2) (c) An annual or special meeting of a common or union high school
19 district, ~~or~~ the school board of a unified school district, or the board of school directors
20 in charge of the school district operating under ch. 119, may elect to provide
21 transportation for pupils who are not required to be transported under this section,
22 including pupils attending public school under s. 118.145 (4). Transportation may
23 be provided for all or some of the pupils who reside in the school district to and from
24 the public school they are entitled to attend; the charter school that they attend; or
25 the private school, within or outside the school district, within whose attendance

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1 area they reside. If transportation is provided for less than all such pupils there shall
2 be reasonable uniformity in the minimum distance that pupils attending public,
3 charter, and private schools will be transported. Except for elementary school
4 districts electing to furnish transportation under par. (b) 2., this paragraph does not
5 permit a school district operating only elementary grades to provide transportation
6 for pupils attending private schools.

7 *b0346/4.2* SECTION 2042m. 121.90 (1) (f) of the statutes is created to read:

8 121.90 (1) (f) In determining a school district's revenue limit for the 2003–04
9 school year or for any school year thereafter, the department shall calculate the
10 number of pupils enrolled in each school year prior to the 2003–04 school year by
11 counting pupils enrolled in a 4-year-old kindergarten program as provided in s.
12 121.004 (7) (c) and (cm).

13 *b0361/1.2* SECTION 2042m. 121.85 (6) (b) 2. of the statutes is amended to
14 read:

15 121.85 (6) (b) 2. In each the 2003–04 school year, the school district of
16 attendance of pupils transferring from one school district to another under sub. (3)
17 (a) shall receive an amount equal to that produced by multiplying the number of
18 pupils transferred into the school district under sub. (3) (a) in the previous school
19 year by the amount produced by dividing the school district's net school cost by the
20 sum of the membership, plus the number of pupils transferred into the school district
21 of attendance in the previous school year under sub. (3) (a). This subdivision applies
22 to aid paid in the 1995–96 school year only if the number of pupils transferring from
23 one school district to another under sub. (3) (a) in the 1994–95 school year constitutes
24 less than 5% of the total membership of the school district of attendance.

25 *b0361/1.2* SECTION 2042r. 121.85 (6) (b) 2m. of the statutes is created to read:

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SECTION 2042r

1 121.85 (6) (b) 2m. Following the 2003–04 school year, the school district of
2 attendance of pupils transferring from one school district to another under sub. (3)
3 (a) shall receive the lesser of the average net cost per pupil under subd. 2., as
4 determined by the department, or:

5 a. In the 2004–05 school year, \$11,000 per pupil transferred.

6 b. In the 2005–06 school year, \$10,000 per pupil transferred.

7 c. In the 2006–07 school year, \$9,000 per pupil transferred.

8 d. In the 2007–08 school year and each subsequent school year, \$8,000 per pupil
9 transferred.)

10 ***b0342/4.1* SECTION 2043g.** 121.905 (1) of the statutes is amended to read:

11 121.905 (1) In this section, “revenue ceiling” means ~~\$6,700 in the 2001–02~~
12 ~~school year and in any subsequent school year means \$6,900, except that “revenue~~
13 ~~ceiling” means \$7,400 in the 2003–04 school year and \$7,800 in any subsequent~~
14 ~~school year if a school board adopts a resolution to that effect by a two-thirds vote~~
15 ~~of the members elect.~~

16 ***b0342/4.2* SECTION 2043d.** 121.91 (2m) (e) (intro.) of the statutes is amended
17 to read:

18 121.91 (2m) (e) (intro.) Except as provided in subs. (3) and (4), no school district
19 may increase its revenues for the 1999–2000, 2000–01, 2001–02, or 2002–03 school
20 year ~~or for any school year thereafter~~ to an amount that exceeds the amount
21 calculated as follows:

22 ***b0342/4.2* SECTION 2043h.** 121.91 (2m) (f) of the statutes is created to read:

23 121.91 (2m) (f) Except as provided in subs. (3) and (4), no school district may
24 increase its revenues for the 2003–04 school year to an amount that exceeds the
25 amount calculated as follows:

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1 1. Divide the sum of the amount of state aid received in the previous school year
2 and property taxes levied for the previous school year, excluding property taxes
3 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)
4 (c), by the average of the number of pupils enrolled in the 3 previous school years.

5 2. Add \$120 to the result under subd. 1.

6 3. Multiply the result under subd. 2. by the average of the number of pupils
7 enrolled in the current and the 2 preceding school years.

8 ***b0342/4.2* SECTION 2043s.** 121.91 (2m) (g) of the statutes is created to read:

9 121.91 (2m) (g) Except as provided in subs. (3) and (4), no school district may
10 increase its revenues for the 2004–05 school year or for any school year thereafter
11 to an amount that exceeds the amount calculated as follows:

12 1. Divide the sum of the amount of state aid received in the previous school year
13 and property taxes levied for the previous school year, excluding property taxes
14 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)
15 (c), by the average of the number of pupils enrolled in the 3 previous school years.

16 2. Add \$100 to the result under subd. 1.

17 3. Multiply the result under subd. 2. by the average of the number of pupils
18 enrolled in the current and the 2 preceding school years.

19 ***b0342/4.2* SECTION 2043u.** 121.91 (2m) (r) 1. (intro.) of the statutes is
20 amended to read:

21 121.91 (2m) (r) 1. (intro.) Notwithstanding pars. (c), ~~(d) and (e)~~ (g), if a school
22 district is created under s. 117.105, its revenue limit under this section for the school
23 year beginning with the effective date of the reorganization shall be determined as
24 follows except as provided under subs. (3) and (4):

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SECTION 2043w

1 ***b0342/4.2* SECTION 2043w.** 121.91 (2m) (r) 2. (intro.) of the statutes is
2 amended to read:

3 121.91 (2m) (r) 2. (intro.) If a school district is created under s. 117.105, the
4 following adjustments to the calculations under pars. (c), ~~(d)~~ and ~~(e)~~ to (g) apply for
5 the 2 school years beginning on the July 1 following the effective date of the
6 reorganization:

7 ***b0342/4.2* SECTION 2043y.** 121.91 (4) (f) of the statutes is amended to read:

8 121.91 (4) (f) 1. For the 1999–2000 school year or any school year thereafter,
9 if the average of the number of pupils enrolled in the current and the 2 preceding
10 school years is less than the average of the number of pupils enrolled in the 3 previous
11 school years, the limit otherwise applicable under sub. (2m) ~~(e)~~ (f) or (g) is increased
12 by the additional amount that would have been calculated had the decline in average
13 enrollment been 25% of what it was.

14 2. Any additional revenue received by a school district as a result of subd. 1.
15 shall not be included in the base for determining the school district's limit under sub.
16 (2m) ~~(e)~~ (f) or (g) for the following school year.

17 ***b0350/2.2* SECTION 2043m.** 125.14 (1) of the statutes is amended to read:

18 125.14 (1) ARREST. Any Subject to s. 175.38, any peace officer may arrest
19 without warrant any person committing in his or her presence a violation of this
20 chapter or ch. 139 and may, without a search warrant, seize any personal property
21 used in connection with the violation.

22 ***-0529/4.182* SECTION 2044.** 125.14 (2) (e) of the statutes is amended to read:

23 125.14 (2) (e) *Disposal.* The department shall dispose of the alcohol beverages
24 turned over to it by the court by either giving it to law enforcement agencies free of
25 charge for use in criminal investigations, giving it to state–operated veterans'

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1 hospitals in amounts needed for medicinal purposes, selling it to the highest bidder
2 if the bidder is a person holding a license or permit issued under this chapter, or
3 destroying it, at the discretion of the department. If the department elects to sell the
4 alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids
5 from qualified bidders. Any items or groups of items in the inventory subject to a
6 security interest, the existence of which was established in the proceedings for
7 conviction as being bona fide and as having been created without the secured party
8 having notice that the items were being used or were to be used in connection with
9 the violation, shall be sold separately. The net proceeds from the sale, less all costs
10 of seizure, storage, and sale, shall be turned over to the ~~state treasurer~~ secretary of
11 administration and credited to the common school fund.

12 ***-0529/4.183*** SECTION 2045. 125.14 (2) (f) of the statutes is amended to read:

13 125.14 (2) (f) *Sale*. Any personal property, other than alcohol beverages, seized
14 under par. (a) and fit for sale, shall be turned over by the department to the
15 department of administration for disposal at public auction to the highest bidder, at
16 a time and place stated in a notice of sale which describes the property to be sold.
17 The sale shall be held in a conveniently accessible place in the county where the
18 property was confiscated. A copy of the notice shall be published as a class 2 notice
19 under ch. 985. The last insertion shall be at least 10 days before the sale. The
20 department of revenue shall serve a copy of the notice of sale at least 2 weeks before
21 the date thereof on all persons who are or may be owners or holders of security
22 interests in the property. Any confiscated property worth more than \$100 shall be
23 sold separately, and the balance of the confiscated property shall be sold in bulk or
24 separately at the discretion of the department of administration. The net proceeds
25 from the sale, less all costs of seizure, storage, and sale, shall be turned over to the

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SECTION 2045

1 ~~state treasurer~~ secretary of administration. No motor vehicle or motorboat
2 confiscated under this section may be sold within 30 days after the date of seizure.

3 *~~1634/7.52~~* SECTION 2048. 134.80 of the statutes is amended to read:

4 **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for
5 the purpose of heating a private residence shall notify each private residential
6 customer whose account is subject to disconnection of the existence of the fuel
7 assistance programs provided by the department of administration under s. ~~16.385~~
8 16.27.

9 

10 *~~1431/2.12~~* SECTION 2052. 138.052 (5) (am) 2. a. of the statutes is amended
11 to read:

12 138.052 (5) (am) 2. a. ~~On January 1, 1994, and annually thereafter~~ Annually,
13 the division of banking for banks, ~~the division of savings institutions for savings and~~
14 loan associations, and savings banks, and the office of credit unions for credit unions,
15 shall determine the interest rate that is the average of the interest rates paid,
16 rounded to the nearest one-hundredth of a percent, on regular passbook deposit
17 accounts by institutions under the division's or office's jurisdiction at the close of the
18 last quarterly reporting period that ended at least 30 days before the determination
19 is made.

20 *~~1431/2.13~~* SECTION 2053. 138.052 (5) (am) 2. b. of the statutes is amended
21 to read:

22 138.052 (5) (am) 2. b. ~~The office of credit unions and the division of banking~~
23 ~~shall report the rate calculated to the division of savings institutions within~~ Within
24 5 days after the date on which the determination is made. ~~The, the~~ the division of savings
25 institutions banking shall calculate the average, rounded to the nearest

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1 one-hundredth of a percent, of the 3 rates determined by the division of banking and
2 the office of credit unions and report that interest rate to the revisor of statutes
3 within 5 days after the date on which the determination is made.

4 *~~1431/2.14~~* SECTION 2054. 138.055 (4) (a) of the statutes is repealed.

5 *~~1431/2.15~~* SECTION 2055. 138.056 (1) (a) 4. a. of the statutes is repealed.

6 *~~0529/4.184~~* SECTION 2056. 139.10 (title) of the statutes is amended to read:

7 **139.10 (title) Refunds by state treasurer secretary of administration.**

8 *~~0529/4.185~~* SECTION 2057. 139.10 (1) of the statutes is amended to read:

9 139.10 (1) On the certificate of the secretary, the ~~state treasurer~~ secretary of
10 administration shall refund to any purchaser or any banking institution in
11 Wisconsin the tax paid on intoxicating liquor or on whole cases or full kegs of
12 fermented malt beverages which are spoiled or unfit to drink and the tax paid on
13 fermented malt beverages sold to the U.S. armed forces or the secretary may make
14 allowance of the amount of the tax.

15 *~~b0185/1.1~~* SECTION 2057m. 139.362 of the statutes is created to read:

16 **139.362 Bad debt deductions. (1)** In this section, “bad debt” means an
17 amount that is equal to the purchase price of cigarettes, if such amount may be
18 claimed as a deduction under section 166 of the Internal Revenue Code. “Bad debt”
19 does not include financing charges, interest on the wholesale price of cigarettes,
20 uncollectible amounts on property that remains in the seller’s possession until the
21 full purchase price is paid, expenses incurred in attempting to collect any debt, debts
22 sold or assigned to 3rd parties for collection, and repossessed property.

23 **(2)** A person who pays the taxes imposed under this subchapter may claim as
24 a deduction on a return under s. 139.38, and against the purchase of stamps under
25 s. 139.32, the amount of any such taxes that are attributable to bad debt that the

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1 person writes off as uncollectible in the person's books and records and that is eligible
2 to be deducted as bad debt for federal income tax purposes, regardless of whether the
3 person is required to file a federal income tax return. A person who claims a
4 deduction under this section shall claim the deduction on the return under s. 139.38
5 that is submitted for the period in which the person writes off the amount of the bad
6 debt as uncollectible in the person's books and records and in which such amount is
7 eligible to be deducted as bad debt for federal income tax purposes. If the person
8 subsequently collects in whole or in part any bad debt for which a deduction is
9 claimed under this section, the person shall submit to the department the portion of
10 the deduction related to the amount collected, in the manner prescribed by the
11 department and for the period in which the amount is collected.

12 (3) A person who claims a deduction under this section shall submit the claim
13 on a form prescribed by the department and shall submit with the form all of the
14 following:

15 (a) A copy of the original invoice for the sale of cigarettes that represents bad
16 debt.

17 (b) Evidence that the cigarettes described in the invoice under par. (a) were
18 delivered to the person who ordered them.

19 (c) Evidence that the person who ordered and received the cigarettes did not
20 pay the person who claims a deduction under this section for the cigarettes.

21 (d) Evidence that the person who claims a deduction under this section used
22 reasonable collection practices in attempting to collect the amount owed under par.

23 (c).

24 *b0347/1.1* **SECTION 2057m.** 139.323 (intro.) of the statutes is amended to
25 read:

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1 **139.323 Refunds to Indian tribes.** (intro.) The department shall refund 70%
2 30% of the taxes collected under s. 139.31 (1) in respect to sales on reservations or
3 trust lands of an Indian tribe to the tribal council of the tribe having jurisdiction over
4 the reservation or trust land on which the sale is made if all the following conditions
5 are fulfilled:

6 *~~0529/4.186~~* SECTION 2058. 139.39 (4) of the statutes is amended to read:

7 139.39 (4) No suit shall be maintained in any court to restrain or delay the
8 collection or payment of the tax levied in s. 139.31. The aggrieved taxpayer shall pay
9 the tax when due and, if paid under protest, may at any time within 90 days from the
10 date of payment, sue the state to recover the tax paid. If it is finally determined that
11 any part of the tax was wrongfully collected, the ~~department~~ secretary of
12 administration shall ~~issue a warrant on the state treasurer for pay~~ the amount
13 wrongfully collected, ~~and the treasurer shall pay the same~~ out of the general fund.
14 A separate suit need not be filed for each separate payment made by any taxpayer,
15 but a recovery may be had in one suit for as many payments as may have been made.

16 *~~b0185/1.2~~* SECTION 2058f. 139.801 of the statutes is created to read:

17 **139.801 Bad debt deductions.** (1) In this section, “bad debt” means an
18 amount that is equal to the purchase price of tobacco products, if such amount may
19 be claimed as a deduction under section 166 of the Internal Revenue Code. “Bad
20 debt” does not include financing charges, interest on the wholesale price of tobacco
21 products, uncollectible amounts on property that remains in the seller’s possession
22 until the full purchase price is paid, expenses incurred in attempting to collect any
23 debt, debts sold or assigned to 3rd parties for collection, and repossessed property.

24 (2) A distributor who pays the taxes imposed under s. 139.76 may claim as a
25 deduction on a return under s. 139.77 the amount of any such taxes that are

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1 attributable to bad debt that the distributor writes off as uncollectible in the
2 distributor's books and records and that is eligible to be deducted as bad debt for
3 federal income tax purposes, regardless of whether the distributor is required to file
4 a federal income tax return. A distributor who claims a deduction under this section
5 shall claim the deduction on the return under s. 139.77 that is submitted for the
6 period in which the distributor writes off the amount of the deduction as uncollectible
7 in the distributor's books and records and in which such amount is eligible to be
8 deducted as bad debt for federal income tax purposes. If the distributor subsequently
9 collects in whole or in part any bad debt for which a deduction is claimed under this
10 section, the distributor shall include the amount collected in the return filed for the
11 period in which the amount is collected and shall pay the tax with the return.

12 (3) A distributor who claims a deduction under this section shall submit with
13 the return under sub. (2) all of the following:

14 (a) A copy of the original invoice for the sale of tobacco products that represents
15 bad debt.

16 (b) Evidence that the tobacco products described in the invoice under par. (a)
17 were delivered to the person who ordered them.

18 (c) Evidence that the person who ordered and received the cigarettes did not
19 pay the distributor for the tobacco products.

20 (d) Evidence that the distributor used reasonable collection practices in
21 attempting to collect the amount owed under par. (c).

22 *–1327/1.17* **SECTION 2059.** 146.185 (1) (i) of the statutes is amended to read:

23 146.185 (1) (i) "State agency" has the meaning given in s. 16.70 (~~1~~) (1e).

24 *b0348/2.1* **SECTION 2059g.** 146.185 (3) of the statutes is amended to read:

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1 146.185 (3) From the appropriation under s. 20.435 (5) (kb), the department
2 shall annually award up to ~~\$200,000~~ in grants for activities to improve the health
3 status of economically disadvantaged minority group members. A person may apply,
4 in the manner specified by the department, for a grant of up to \$50,000 in each fiscal
5 year to conduct these activities. An awardee of a grant under this subsection shall
6 provide, for at least 50% of the grant amount, matching funds that may consist of
7 funding or an in-kind contribution. An applicant that is not a federally qualified
8 health center, as defined under 42 CFR 405.2401 (b) shall receive priority for grants
9 awarded under this subsection.

10 *~~0576/8.71~~* SECTION 2060. 146.59 (3) (b) of the statutes is amended to read:

11 146.59 (3) (b) Any authorization under par. (a) shall comply with all applicable
12 provisions of subch. V of ch. 111 and ch. 230, any delegation of authority by the
13 ~~department of employment relations~~ office of state human resources management
14 to the board, and any collective bargaining agreement with respect to employees of
15 the board.

16 *~~0733/3.1~~* SECTION 2061. 146.65 (1) (a) and (b) of the statutes are amended
17 to read:

18 146.65 (1) (a) ~~In state fiscal year 2001–02, not more than \$618,000 and in fiscal~~
19 ~~year 2002–03~~ each fiscal year, not more than \$232,000, to the rural health dental
20 clinic located in Ladysmith that provides dental services to persons who are
21 developmentally disabled or elderly or who have low income, in the counties of Rusk,
22 Price, Taylor, Sawyer, and Chippewa.

23 (b) ~~In fiscal year 2001–02, not more than \$294,500 and in state fiscal year~~
24 ~~2002–03~~ each fiscal year, not more than \$355,600, to the rural health dental clinic
25 located in Menomonie that provides dental services to persons who are

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1 developmentally disabled or elderly or who have low income, in the counties of
2 Barron, Chippewa, Dunn, Pepin, Pierce, Polk, and St. Croix.

3 ***b0196/1.2* SECTION 2061s.** 146.885 of the statutes is repealed.

4 ***-1760/2.19* SECTION 2062.** 146.93 of the statutes is repealed.

5 ***-1295/2.27* SECTION 2064.** 146.997 (4) (a) of the statutes is amended to read:

6 146.997 (4) (a) ~~Subject to par. (b), any~~ Any employee of a health care facility
7 or health care provider who is subjected to disciplinary action, or who is threatened
8 with disciplinary action, in violation of sub. (3) may file a complaint with the
9 department under s. 106.54 (6). If the department finds that a violation of sub. (3)
10 has been committed, the department may take such action under s. 111.39 as will
11 effectuate the purpose of this section.

12 ***-1295/2.28* SECTION 2065.** 146.997 (4) (b) of the statutes is repealed.

13 ***-1295/2.29* SECTION 2066.** 146.997 (4) (c) of the statutes is amended to read:

14 146.997 (4) (c) Section 111.322 (2m) applies to a disciplinary action arising in
15 connection with any proceeding under par. (a) ~~or (b)~~.

16 ***-0133/1.1* SECTION 2067.** 149.10 (8b) of the statutes is repealed.

17 ***-1300/1.6* SECTION 2068.** 149.14 (5) (e) of the statutes is amended to read:

18 149.14 (5) (e) Subject to sub. (8) (b), the department may, by rule under s. 149.17
19 (4), establish for prescription drug coverage under sub. (3) (d) copayment amounts,
20 coinsurance rates, and copayment and coinsurance out-of-pocket limits over which
21 the plan will pay 100% of covered costs under sub. (3) (d). The department may
22 provide subsidies for prescription drug copayment amounts paid by eligible persons
23 under s. 149.165 (2) (a) 1. to 5. Any copayment amount, coinsurance rate, or
24 out-of-pocket limit established under this paragraph is subject to the approval of the
25 board. Copayments and coinsurance paid by an eligible person under this paragraph

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1 are separate from and do not count toward the deductible and covered costs not paid
2 by the plan under pars. (a) to (c).

3 *-1300/1.7* SECTION 2069. 149.143 (1) (a) of the statutes is repealed.

4 *-1300/1.8* SECTION 2070. 149.143 (1) (b) (intro.) of the statutes is repealed.

5 *-1300/1.9* SECTION 2071. 149.143 (1) (b) 1. of the statutes is renumbered
6 149.143 (1) (am), and 149.143 (1) (am) 1., 2., 3., and 4., as renumbered, are amended
7 to read:

8 149.143 (1) (am) 1. First, from premiums from eligible persons with coverage
9 under s. 149.14 (2) (a) set at a rate that is 140% to 150% of the rate that a standard
10 risk would be charged under an individual policy providing substantially the same
11 coverage and deductibles as are provided under the plan and from eligible persons
12 with coverage under s. 149.14 (2) (b) set in accordance with s. 149.14 (5m), including
13 amounts received for premium ~~and, deductible, and prescription drug copayment~~
14 subsidies under s. 149.144 ~~and under the transfer to the fund from the appropriation~~
15 ~~account under s. 20.435 (4) (ah), and from premiums collected from eligible persons~~
16 with coverage under s. 149.146 set in accordance with s. 149.146 (2) (b).

17 2. Second, from moneys specified under sub. (2m), to the extent that the
18 amounts under subd. 1. ~~a.~~ are insufficient to pay ^{AE} 60% of plan costs.

19 3. Third, by increasing premiums from eligible persons with coverage under s.
20 149.14 (2) (a) to more than the rate at which premiums were set under subd. 1. ~~a.~~
21 but not more than 200% of the rate that a standard risk would be charged under an
22 individual policy providing substantially the same coverage and deductibles as are
23 provided under the plan and from eligible persons with coverage under s. 149.14 (2)
24 (b) by a comparable amount in accordance with s. 149.14 (5m), including amounts
25 received for premium ~~and, deductible, and prescription drug copayment~~ subsidies

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1 under s. 149.144 and under the transfer to the fund from the appropriation account
2 under s. 20.435 (4) (ah), and by increasing premiums from eligible persons with
3 coverage under s. 149.146 in accordance with s. 149.146 (2) (b), to the extent that the
4 amounts under ~~subd. 1. a. subds. 1. and b. 2.~~ are insufficient to pay ^{60%} of plan costs.

5 4. Fourth, notwithstanding ~~subd. 2. par. (bm)~~, by increasing insurer
6 assessments, excluding assessments under s. 149.144, and adjusting provider
7 payment rates, subject to s. 149.142 (1) (b) and excluding adjustments to those rates
8 under s. 149.144, in equal proportions and to the extent that the amounts under
9 ~~subd. 1. a. to e. subds. 1. to 3.~~ are insufficient to pay ^{60%} of plan costs.

10 *-1300/1.10* SECTION 2072. 149.143 (1) (b) 2. of the statutes is renumbered
11 149.143 (1) (bm).

12 *-1300/1.11* SECTION 2073. 149.143 (2) (a) (intro.) of the statutes is amended
13 to read:

14 149.143 (2) (a) (intro.) Prior to each plan year, the department shall estimate
15 the operating and administrative costs of the plan and the costs of the premium
16 reductions under s. 149.165 and, the deductible reductions under s. 149.14 (5) (a),
17 and any prescription drug copayment reductions under s. 149.14 (5) (e) for the new
18 plan year and do all of the following:

19 *-1300/1.12* SECTION 2074. 149.143 (2) (a) 1. a. of the statutes is amended to
20 read:

21 149.143 (2) (a) 1. a. Estimate the amount of enrollee premiums that would be
22 received in the new plan year if the enrollee premiums were set at a level sufficient,
23 when including amounts received for premium and, deductible, and prescription
24 drug copayment subsidies under s. 149.144 and under the transfer to the fund from
25 the appropriation account under s. 20.435 (4) (ah) and from premiums collected from

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1 eligible persons with coverage under s. 149.146 set in accordance with s. 149.146 (2)
2 (b), to cover ^{60%} of the estimated plan costs for the new plan year, ~~after deducting~~
3 ~~from the estimated plan costs the amount available for transfer to the fund from the~~
4 ~~appropriation account under s. 20.435 (4) (af) for that plan year.~~

5 *~~1300/1.13~~* SECTION 2075. 149.143 (2) (a) 1. b. of the statutes is amended to
6 read:

7 149.143 (2) (a) 1. b. Estimate the amount of enrollee premiums that will be
8 received under sub. (1) ~~(b) 1. a.~~ (am) 1.

9 *~~1300/1.14~~* SECTION 2076. 149.143 (2) (a) 2. of the statutes is amended to
10 read:

11 149.143 (2) (a) 2. After making the determinations under subd. 1., by rule set
12 premium rates for the new plan year, including the rates under s. 149.146 (2) (b), in
13 the manner specified in sub. (1) ~~(b) 1. a. and c.~~ (am) 1. and 3. and such that a rate for
14 coverage under s. 149.14 (2) (a) is approved by the board and is not less than 140%
15 nor more than 200% of the rate that a standard risk would be charged under an
16 individual policy providing substantially the same coverage and deductibles as are
17 provided under the plan.

18 *~~1300/1.15~~* SECTION 2077. 149.143 (2) (a) 3. of the statutes is amended to
19 read:

20 149.143 (2) (a) 3. By rule set the total insurer assessments under s. 149.13 for
21 the new plan year by estimating and setting the assessments at the amount
22 necessary to equal the amounts specified in sub. (1) ~~(b) 1. d. and 2. a.~~ (am) 4. and (bm)
23 1. and notify the commissioner of the amount.

24 *~~1300/1.16~~* SECTION 2078. 149.143 (2) (a) 4. of the statutes is amended to
25 read:

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1 149.143 (2) (a) 4. By the same rule as under subd. 3. adjust the provider
2 payment rate for the new plan year, subject to s. 149.142 (1) (b), by estimating and
3 setting the rate at the level necessary to equal the amounts specified in sub. (1) (b)
4 ~~1. d. and 2. b. (am) 4. and (bm) 2.~~ and as provided in s. 149.145.

5 *~~1300/1.17~~* SECTION 2079. 149.143 (2) (b) of the statutes is amended to read:

6 149.143 (2) (b) In setting the premium rates under par. (a) 2., the insurer
7 assessment amount under par. (a) 3. and the provider payment rate under par. (a)
8 4. for the new plan year, the department shall include any increase or decrease
9 necessary to reflect the amount, if any, by which the rates and amount set under par.
10 (a) for the current plan year differed from the rates and amount which would have
11 equaled the amounts specified in sub. (1) (b) (am) and (bm) in the current plan year.

12 *~~1300/1.18~~* SECTION 2080. 149.143 (2m) (a) 1. of the statutes is amended to
13 read:

14 149.143 (2m) (a) 1. The amount of premiums received in a plan year from all
15 eligible persons, including amounts received for premium ~~and, deductible, and~~
16 prescription drug copayment subsidies.

17 *~~1300/1.19~~* SECTION 2081. 149.143 (2m) (a) 2. of the statutes is amended to
18 read:

19 149.143 (2m) (a) 2. The amount of premiums, including amounts received for
20 premium ~~and, deductible, and prescription drug copayment~~ subsidies, necessary to
21 cover ^{60%} ~~60%~~ of the plan costs for the plan year, ~~after deducting the amount transferred~~
22 ~~to the fund from the appropriation account under s. 20.435 (4) (af).~~

23 *~~1300/1.20~~* SECTION 2082. 149.143 (2m) (b) 1. of the statutes is amended to
24 read:

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1 149.143 **(2m)** (b) 1. To reduce premiums in succeeding plan years as provided
2 in sub. (1) ~~(b) 1. b. (am) 2.~~ For eligible persons with coverage under s. 149.14 (2) (a),
3 premiums may not be reduced below 140% of the rate that a standard risk would be
4 charged under an individual policy providing substantially the same coverage and
5 deductibles as are provided under the plan.

6 ***-1300/1.21*** **SECTION 2083.** 149.143 (3) (a) of the statutes is amended to read:

7 149.143 **(3)** (a) If, during a plan year, the department determines that the
8 amounts estimated to be received as a result of the rates and amount set under sub.
9 (2) (a) 2. to 4. and any adjustments in insurer assessments and the provider payment
10 rate under s. 149.144 will not be sufficient to cover plan costs, the department may
11 by rule increase the premium rates set under sub. (2) (a) 2. for the remainder of the
12 plan year, subject to s. 149.146 (2) (b) and the maximum specified in sub. (2) (a) 2.,
13 by rule increase the assessments set under sub. (2) (a) 3. for the remainder of the plan
14 year, subject to sub. (1) ~~(b) 2. a. (bm) 1.,~~ and by the same rule under which
15 assessments are increased adjust the provider payment rate set under sub. (2) (a) 4.
16 for the remainder of the plan year, subject to sub. (1) ~~(b) 2. b. (bm) 2.~~ and s. 149.142
17 (1) (b).

18 ***-1300/1.22*** **SECTION 2084.** 149.143 (3) (b) of the statutes is amended to read:

19 149.143 **(3)** (b) If the department increases premium rates and insurer
20 assessments and adjusts the provider payment rate under par. (a) and determines
21 that there will still be a deficit and that premium rates have been increased to the
22 maximum extent allowable under par. (a), the department may further adjust, in
23 equal proportions, assessments set under sub. (2) (a) 3. and the provider payment
24 rate set under sub. (2) (a) 4., without regard to sub. (1) ~~(b) 2. (bm)~~ but subject to s.
25 149.142 (1) (b).

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SECTION 2085

1 *–1300/1.23* SECTION 2085. 149.144 of the statutes is amended to read:

2 **149.144 Adjustments to insurer assessments and provider payment**
3 **rates for premium and, deductible, and prescription drug copayment**
4 **reductions.** ~~If the moneys transferred to the fund under the appropriation under~~
5 ~~s. 20.435 (4) (ah) are insufficient to reimburse the plan for premium reductions under~~
6 ~~s. 149.165 and deductible reductions under s. 149.14 (5) (a), or the department~~
7 ~~determines that the moneys transferred or to be transferred to the fund under the~~
8 ~~appropriation under s. 20.435 (4) (ah) will be insufficient to reimburse the plan for~~
9 ~~premium reductions under s. 149.165 and deductible reductions under s. 149.14 (5)~~
10 ~~(a), the~~ The department may shall, by rule, adjust in equal proportions the amount
11 of the assessment set under s. 149.143 (2) (a) 3. and the provider payment rate set
12 under s. 149.143 (2) (a) 4., subject to ss. 149.142 (1) (b) and 149.143 (1) (b) 1. (am),
13 sufficient to reimburse the plan for premium reductions under s. 149.165 and,
14 deductible reductions under s. 149.14 (5) (a). ~~If the department makes the~~
15 ~~adjustment under this section, the, and any prescription drug copayment reductions~~
16 under s. 149.14 (5) (e). The department shall notify the commissioner so that the
17 commissioner may levy any increase in insurer assessments.

18 *–1300/1.24* SECTION 2086. 149.145 of the statutes is amended to read:

19 **149.145 Program budget.** The department, in consultation with the board,
20 shall establish a program budget for each plan year. The program budget shall be
21 based on the provider payment rates specified in s. 149.142 and in the most recent
22 provider contracts that are in effect and on the funding sources specified in s. ss.
23 149.143 (1) and 149.144, including the methodologies specified in ss. 149.143,
24 149.144, and 149.146 for determining premium rates, insurer assessments, and
25 provider payment rates. Except as otherwise provided in s. 149.143 (3) (a) and (b)

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1 and subject to s. 149.142 (1) (b), from the program budget the department shall derive
2 the actual provider payment rate for a plan year that reflects the providers'
3 proportional share of the plan costs, consistent with ss. 149.143 and 149.144. The
4 department may not implement a program budget established under this section
5 unless it is approved by the board.

6 ***-1300/1.25* SECTION 2087.** 149.146 (2) (a) of the statutes is amended to read:

7 149.146 (2) (a) Except as specified by the department, the terms of coverage
8 under s. 149.14, including deductible reductions under s. 149.14 (5) (a) and
9 prescription drug copayment reductions under s. 149.14 (5) (e), do not apply to the
10 coverage offered under this section. Premium reductions under s. 149.165 do not
11 apply to the coverage offered under this section.

12 ***-0133/1.2* SECTION 2088.** 149.16 (1) of the statutes is repealed.

13 ***-0133/1.3* SECTION 2089.** 149.16 (1m) of the statutes is created to read:

14 149.16 (1m) The plan administrator may be selected by the department in a
15 competitive bidding process.

16 ***-0133/1.4* SECTION 2090.** 149.16 (4) of the statutes is amended to read:

17 149.16 (4) ~~The~~ If the plan administrator is the fiscal agent under s. 49.45 (2)
18 (b) 2., the plan administrator shall account for costs related to the plan separately
19 from costs related to medical assistance under subch. IV of ch. 49.

20 ***-1300/1.26* SECTION 2091.** 149.165 (4) of the statutes is amended to read:

21 149.165 (4) The department shall reimburse the plan for premium reductions
22 under sub. (2) ~~and,~~ deductible reductions under s. 149.14 (5) (a) ~~with moneys~~
23 ~~transferred to the fund,~~ and prescription drug copayment reductions under s. 149.14
24 (5) (e) from the appropriation account under s. 20.435 (4) (ah) (v).

25 ***-0529/4.187* SECTION 2092.** 150.963 (3) (e) of the statutes is amended to read:

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1 150.963 (3) (e) Accept on behalf of the state and deposit with the state treasurer
2 secretary of administration any grant, gift, or contribution made to assist in meeting
3 the cost of carrying out the purposes of this subchapter, and expend those funds for
4 the purposes of this subchapter.

5 ***b0146/2.8* SECTION 2092c.** 153.01 (4j) of the statutes is created to read:

6 153.01 (4j) “Entity” means a nonstock corporation organized under ch. 181 that
7 is described in section 501 (c) (6) of the Internal Revenue Code and is exempt from
8 federal income tax under section 501 (a) of the Internal Revenue Code, and that does
9 all of the following:

10 (a) Represents at least 70% of the hospitals in Wisconsin.

11 (b) Receives oversight with respect to services performed by the entity under
12 this chapter from a group that is composed of all of the following:

13 1. The secretary of health and family services, who shall serve as chairperson
14 and nonvoting member of the group.

15 2. Two members designated by Wisconsin Manufacturers and Commerce, Inc.

16 3. Two members designated by the Wisconsin Association of Health Plans, Inc.

17 4. One member designated by the Wisconsin State AFL–CIO.

18 5. Two members designated by the Wisconsin Hospital Association, Inc.

19 6. One member designated by the speaker of the assembly.

20 7. One member designated by the senate majority leader.

21 ***b0146/2.8* SECTION 2092d.** 153.05 (1) of the statutes is amended to read:

22 153.05 (1) In order to provide to ~~hospitals~~, health care providers, insurers,
23 consumers, governmental agencies and others information concerning health care
24 providers and uncompensated health care services, and in order to provide
25 information to assist in peer review for the purpose of quality assurance, ~~the~~

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1 (a) The department shall collect from health care providers other than
2 hospitals and ambulatory surgery centers, analyze, and disseminate health care
3 information, as adjusted for case mix and severity, in language that is
4 understandable to ~~lay persons~~ laypersons.

5 ***b0146/2.8* SECTION 2092e.** 153.05 (1) (b) of the statutes is created to read:

6 153.05 (1) (b) The entity under contract under sub. (2m) (a) shall collect from
7 hospitals and ambulatory surgery centers the health care information required of
8 hospitals and ambulatory surgery centers by the department under ch. 153, 2001
9 stats., and the rules promulgated under ch. 153, 2001 stats., including, by the date
10 that is 18 months after the date of the contract under sub. (2m) (a), all outpatient
11 hospital-based services. The entity shall analyze and disseminate that health care
12 information, as adjusted for case mix and severity, in the manner required under this
13 chapter, under ch. 153, 2001 stats., and under the rules promulgated under ch. 153,
14 2001 stats., and in language that is understandable to laypersons.

15 ***b0146/2.8* SECTION 2092f.** 153.05 (2m) of the statutes is created to read:

16 153.05 (2m) (a) Notwithstanding s. 16.75 (1), (2), and (3m), by the date that is
17 the first day of the 2nd month after the effective date of this paragraph [revisor
18 inserts date], the department of administration shall, from the appropriation under
19 s. 20.505 (1) (im), contract with an entity to perform services under this chapter that
20 are specified for the entity with respect to the collection, analysis, and dissemination
21 of health care information of hospitals and ambulatory surgery centers. The
22 department of administration may not, by this contract, require from the entity any
23 collection, analysis, or dissemination of health care information of hospitals and
24 ambulatory surgery centers that is in addition to that required under this chapter,

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1 and may include in the contract only terms standard to contracts with the
2 department of administration under subch. IV of ch. 16.

3 (b) Biennially, the group specified under s. 153.01 (4j) (b) shall review the
4 entity's performance, including the timeliness and quality of the reports generated
5 by the entity. If the group is dissatisfied with the entity's performance, the group may
6 recommend to the department of administration that that department use a
7 competitive request-for-proposal process to solicit offers from other organizations
8 for performance of the services. If no organization responds to the request for
9 proposal, the department of health and family services shall perform the services
10 specified for the entity with respect to the collection, analysis, and dissemination of
11 health care information of hospitals and ambulatory surgery centers under this
12 chapter.

13 (c) By April 1, 2004, and annually thereafter, the secretary of health and family
14 services, as chairperson of the group specified under s. 153.01 (4j) (b), shall submit
15 to the chief clerk of each house of the legislature for distribution to the legislature
16 under s. 13.172 (2), a report concerning the content and number of reports and
17 currency of information and reports generated in the previous calendar year by the
18 entity under contract under s. 153.05 (2m).

19 ***b0146/2.8* SECTION 2092g.** 153.05 (3) of the statutes is renumbered 153.05
20 (3) (a) and amended to read:

21 153.05 (3) (a) Upon request of the department for health care information
22 relating to health care providers other than hospitals and ambulatory surgery
23 centers, state agencies shall provide that health care information to the department
24 for use in preparing reports under this chapter.

25 ***b0146/2.8* SECTION 2092h.** 153.05 (3) (b) of the statutes is created to read:

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1 153.05 (3) (b) Upon request of the entity under contract under sub. (2m) (a) for
2 health care information relating to hospitals and ambulatory surgery centers, state
3 agencies shall provide that health care information to the entity for use in preparing
4 reports under this chapter.

5 ***b0146/2.8* SECTION 2092i.** 153.05 (5) of the statutes is renumbered 153.05
6 (5) (a) and amended to read:

7 153.05 (5) (a) Unless sub. (13) (a) applies, the department may require health
8 care providers other than hospitals and ambulatory surgery centers to submit to the
9 department information specified by rule under s. 153.75 (1) (n) for the preparation
10 of reports, plans, and recommendations in the form specified by the department by
11 rule.

12 ***b0146/2.8* SECTION 2092j.** 153.05 (5) (b) of the statutes is created to read:

13 153.05 (5) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
14 (2m) (a) may require hospitals and ambulatory surgery centers to submit to the
15 entity information for the preparation of reports, plans, and recommendations in the
16 form specified by the entity.

17 ***b0146/2.8* SECTION 2092k.** 153.05 (6) of the statutes is amended to read:

18 153.05 (6) The department may contract with a public or private entity
19 organization that is not a major purchaser, payer or provider of health care services
20 in this state for the provision of data processing services for the collection, analysis
21 and dissemination of health care information under sub. (1) (a).

22 ***b0146/2.8* SECTION 2092L.** 153.05 (6r) of the statutes is amended to read:

23 153.05 (6r) The department shall study and, based on the results of the study,
24 may develop and implement a voluntary system of health care plan reporting that
25 enables purchasers and consumers to assess the performance of health care plans

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1 and the health care providers, other than hospitals and ambulatory surgery centers,
2 that are employed or reimbursed by the health care plans. The department shall
3 undertake the study and any development and implementation in cooperation with
4 private health care purchasers, the board, the department of employee trust funds,
5 the office of the commissioner of insurance, the interagency coordinating council
6 created under s. 15.107 (7), major associations of health care providers, health care
7 plans and consumers. If implemented, the department shall operate the system in
8 a manner so as to enable purchasers, consumers, the public, the governor and
9 legislators to assess the performance of health care plans and health care providers
10 other than hospitals and ambulatory surgery centers.

11 *b0146/2.9* SECTION 2093bg. 153.05 (8) of the statutes is renumbered 153.05
12 (8) (a) and amended to read:

13 153.05 (8) (a) Unless sub. (13) (a) applies, the department shall collect, analyze
14 and disseminate, in language that is understandable to ~~lay persons~~ laypersons,
15 claims information and other health care information, as adjusted for case mix and
16 severity, under the provisions of this chapter, as determined by rules promulgated
17 by the department, from health care providers, other than hospitals and ambulatory
18 surgery centers, specified by rules promulgated by the department. Data from those
19 health care providers may be obtained through sampling techniques in lieu of
20 collection of data on all patient encounters and data collection procedures shall
21 minimize unnecessary duplication and administrative burdens. If the department
22 collects ~~health care provider-specific data~~ from health care plans data that is specific
23 to health care providers other than hospitals and ambulatory surgery centers, the
24 department shall attempt to avoid collecting the same data from those health care
25 providers.