

ENGROSSED ASSEMBLY BILL 100

SECTION 2035c

1 149.10 (3) "Eligible person" means a resident of this state who qualifies under
2 s. 149.12 whether or not the person is legally responsible for the payment of medical
3 expenses incurred on the person's behalf.

4 **SECTION 2035m.** 149.10 (3e) of the statutes is amended to read:

5 149.10 (3e) "Fund" means the ~~health insurance risk-sharing plan~~ Health
6 Insurance Risk-Sharing Plan fund under s. 149.11 (2).

7 **SECTION 2036c.** 149.10 (7) of the statutes is amended to read:

8 149.10 (7) "Medicare" means coverage under both part A and, part B, and part
9 D of Title XVIII of the federal social security act, 42 USC 1395 et seq., as amended.

10 **SECTION 2036m.** 149.10 (9) of the statutes is amended to read:

11 149.10 (9) "Resident" means a person who has been legally domiciled in this
12 state for a period of at least ~~30 days~~ 6 months or, with respect to an eligible individual,
13 an individual who resides in this state. For purposes of this chapter, legal domicile
14 is established by living in this state and obtaining a Wisconsin motor vehicle
15 operator's license, registering to vote in Wisconsin or filing a Wisconsin income tax
16 return. A child is legally domiciled in this state if the child lives in this state and if
17 at least one of the child's parents or the child's guardian is legally domiciled in this
18 state. A person with a developmental disability or another disability which prevents
19 the person from obtaining a Wisconsin motor vehicle operator's license, registering
20 to vote in Wisconsin, or filing a Wisconsin income tax return, is legally domiciled in
21 this state by living in this state.

22 **SECTION 2037c.** 149.10 (10) of the statutes is repealed.

23 **SECTION 2037m.** 149.11 of the statutes is repealed and recreated to read:

24 **149.11 Administration of plan.** (1) APPOINTMENT OF BOARD OF DIRECTORS;
25 FORMATION OF ADMINISTERING ORGANIZATION. (a) No later than September 1, 2005, the

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1 commissioner shall nominate 13 individuals to be appointed with the advice and
2 consent of the senate to serve as the initial directors of the board of the organization
3 to be formed under par. (b). The board shall consist of 4 representatives of
4 participating insurers; 4 representatives of health care providers, including one
5 representative of the Wisconsin Medical Society, one representative of the Wisconsin
6 Hospital Association, Inc., one representative of the Pharmacy Society of Wisconsin,
7 and one representative of health care providers that provide services to persons with
8 coverage under the plan; and 5 other members, at least one of whom represents small
9 businesses that purchase private health insurance and at least one of whom is a
10 person with coverage under the plan. In making the nominations to the board, the
11 commissioner shall first consult with one or more trade or professional associations
12 whose members include participating insurers, one or more trade or professional
13 associations whose members include health care providers that provide services to
14 persons with coverage under the plan, and one or more trade or professional
15 associations whose members include small business owners.

16 (b) The individuals appointed as initial directors under par. (a) shall form a
17 private, nonprofit organization under ch. 181 and shall take all actions necessary to
18 exempt the organization from federal taxation under section 501 (a) of the Internal
19 Revenue Code. The articles of incorporation shall include all of the following:

- 20 1. The names and addresses of the 13 individuals as the initial directors.
- 21 2. That the purpose of the organization is to administer the plan.
- 22 3. That the directors, including the initial directors, shall serve staggered
23 3-year terms.

1 4. That the directors shall satisfy the criteria specified in par. (a) and shall be
2 nominated by the commissioner, after consultation as specified in par. (a), and
3 appointed with the advice and consent of the senate.

4 (c) As a condition for the release of funds under s. 20.145 (5) (g), the
5 organization, through the board, shall administer the plan in conformity with this
6 chapter and perform any other duties required of the organization or board under
7 this chapter.

8 (2) FUND. (a) The board shall pay the operating and administrative expenses
9 of the plan from the fund, which shall be outside the state treasury and which shall
10 consist of all of the following:

11 3. The earnings resulting from investments under par. (b).

12 4. Any other moneys received by the organization or board from time to time.

13 (b) The board controls the assets of the fund and shall select regulated financial
14 institutions in this state that receive deposits in which to establish and maintain
15 accounts for assets needed on a current basis. If practicable, the accounts shall earn
16 interest.

17 (c) Moneys in the fund may be expended only for the purposes specified in par.

18 (a).

19 (3) IMMUNITY. No cause of action of any nature may arise against and no
20 liability may be imposed upon the organization, plan, or board; or any agent,
21 employee, or director of any of them; or contributor insurers; or the commissioner;
22 or any of the commissioner's agents, employees, or representatives, for any act or
23 omission by any of them in the performance of their powers and duties under this
24 chapter.

25 SECTION 2038c. 149.115 of the statutes is amended to read:

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SECTION 2038c

1 **149.115 Rules relating to creditable coverage.** The commissioner, in
2 ~~consultation with the department,~~ shall promulgate rules that specify how
3 creditable coverage is to be aggregated for purposes of s. 149.10 (2t) (a) and that
4 determine the creditable coverage to which s. 149.10 (2t) (b) and (d) applies. The
5 rules shall comply with section 2701 (c) of P.L. 104-191.

6 **SECTION 2038m.** 149.12 (1) (intro.) of the statutes is amended to read:

7 149.12 (1) (intro.) Except as provided in subs. (1m) ~~and~~, (2), ~~and~~ (3), the board
8 ~~or plan administrator~~ shall certify as eligible a person who is covered by medicare
9 Medicare because he or she is disabled under 42 USC 423, a person who submits
10 evidence that he or she has tested positive for the presence of HIV, antigen or
11 nonantigenic products of HIV, or an antibody to HIV, a person who is an eligible
12 individual, and any person who receives and submits any of the following based
13 wholly or partially on medical underwriting considerations within 9 months prior to
14 making application for coverage by the plan.

15 **SECTION 2039c.** 149.12 (1) (a) of the statutes is amended to read:

16 149.12 (1) (a) A notice of rejection of coverage from ~~one~~ 2 or more insurers.

17 **SECTION 2039m.** 149.12 (1m) of the statutes is amended to read:

18 149.12 (1m) The board ~~or plan administrator~~ may not certify a person as
19 eligible under circumstances requiring notice under sub. (1) (a) to (d) if the required
20 notices were issued by an insurance intermediary who is not acting as an
21 administrator, as defined in s. 633.01.

22 **SECTION 2040c.** 149.12 (2) (g) of the statutes is created to read:

23 149.12 (2) (g) A person is not eligible for coverage under the plan if the person
24 is eligible for any of the following:

25 1. Services under s. 46.27 (11), 46.275, 46.277, or 46.278.

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1 2. Medical assistance provided as part of a family care benefit, as defined in s.
2 46.2805 (4).

3 3. Services provided under a waiver requested under 2001 Wisconsin Act 16,
4 section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).

5 4. Services provided under the program of all-inclusive care for persons aged
6 55 or older authorized under 42 USC 1396u-4.

7 5. Services provided under the demonstration program under a federal waiver
8 authorized under 42 USC 1315.

9 6. Health care coverage under the Badger Care health care program under s.
10 49.665.

11 **SECTION 2040m.** 149.12 (3) (a) of the statutes is amended to read:

12 149.12 (3) (a) Except as provided in pars. (b) to (e) and (bm), no person is eligible
13 for coverage under the plan for whom a premium, deductible, or coinsurance amount
14 is paid or reimbursed by a federal, state, county, or municipal government or agency
15 as of the first day of any term for which a premium amount is paid or reimbursed and
16 as of the day after the last day of any term during which a deductible or coinsurance
17 amount is paid or reimbursed.

18 **SECTION 2041c.** 149.12 (3) (c) of the statutes is repealed.

19 **SECTION 2041m.** 149.12 (4) and (5) of the statutes are created to read:

20 149.12 (4) Subject to subs. (1m), (2), and (3), the board may establish criteria
21 that would enable additional persons to be eligible for coverage under the plan. The
22 board shall ensure that any expansion of eligibility is consistent with the purpose of
23 the plan to provide health care coverage for those who are unable to obtain health
24 insurance in the private market and does not endanger the solvency of the plan.

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SECTION 2041m

1 (5) The board shall establish policies for determining and verifying the
2 continued eligibility of an eligible person.

3 **SECTION 2042c.** 149.13 (1) of the statutes is amended to read:

4 149.13 (1) Every insurer shall participate in the cost of administering the plan,
5 except the commissioner may by rule exempt as a class those insurers whose share
6 as determined under sub. (2) would be so minimal as to not exceed the estimated cost
7 of levying the assessment. The commissioner shall advise the department board of
8 the insurers participating in the cost of administering the plan.

9 **SECTION 2042m.** 149.13 (3) (a) of the statutes is amended to read:

10 149.13 (3) (a) Each insurer's proportion of participation under sub. (2) shall be
11 determined annually by the commissioner based on annual statements and other
12 reports filed by the insurer with the commissioner. The commissioner shall assess
13 an insurer for the insurer's proportion of participation based on the total
14 assessments estimated by the department under s. 149.143 (2) (a) 3. board.

15 **SECTION 2043c.** 149.13 (3) (b) of the statutes is amended to read:

16 149.13 (3) (b) If the department board or the commissioner finds that the
17 commissioner's authority to require insurers to report under chs. 600 to 646 and 655
18 is not adequate to permit the department, the commissioner or the board to carry out
19 the department's, commissioner's or board's responsibilities under this chapter, the
20 commissioner shall promulgate rules requiring insurers to report the information
21 necessary for the department, commissioner and board to make the determinations
22 required under this chapter.

23 **SECTION 2043m.** 149.13 (4) of the statutes is amended to read:

24 149.13 (4) Notwithstanding subs. (1) to (3), the department board, with the
25 agreement of the commissioner, may perform various administrative functions

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SECTION 2043m

1 related to the assessment of insurers participating in the cost of administering the
2 plan.

3 **SECTION 2044c.** 149.14 (1) (a) of the statutes is amended to read:

4 149.14 (1) (a) The plan shall offer coverage for each eligible person in an
5 annually renewable policy ~~the coverage specified in this section for each eligible~~
6 ~~person.~~ If an eligible person is also eligible for Medicare coverage, the plan
7 shall not pay or reimburse any person for expenses paid for by Medicare.

8 **SECTION 2044m.** 149.14 (2) (a) of the statutes is amended to read:

9 149.14 (2) (a) The plan shall provide every eligible person who is not eligible
10 for Medicare with major medical expense coverage. Major medical expense
11 coverage offered under the plan under this section shall pay an eligible person's
12 covered expenses, subject to sub. (3) and deductible, copayment, and coinsurance
13 payments ~~authorized under sub. (5), up to a lifetime limit of \$1,000,000 per covered~~
14 ~~individual. The maximum limit under this paragraph shall not be altered by the~~
15 ~~board, and no actuarially equivalent benefit may be substituted by the board.~~

16 **SECTION 2045c.** 149.14 (3) (intro.) of the statutes is renumbered 149.14 (3) and
17 amended to read:

18 149.14 (3) COVERED EXPENSES. ~~Except as provided in sub. (4), except as~~
19 ~~restricted by cost containment provisions under s. 149.17 (4) and except as reduced~~
20 ~~by the department under ss. 149.143 and 149.144, covered Covered expenses for the~~
21 ~~coverage under this section the plan shall be the payment rates established by the~~
22 ~~department under s. 149.142 board for the services provided by persons licensed~~
23 ~~under ch. 446 and certified under s. 49.45 (2) (a) 11. Except as provided in sub. (4),~~
24 ~~except as restricted by cost containment provisions under s. 149.17 (4) and except as~~
25 ~~reduced by the department under ss. 149.143 and 149.144, covered Covered expenses~~

ENGROSSED ASSEMBLY BILL 100**SECTION 2045c**

1 for the coverage under ~~this section~~ the plan shall also be the payment rates
2 established by the ~~department under s. 149.142~~ board for the following services and
3 articles if the service or article is prescribed by a physician who is licensed under ch.
4 448 or in another state and who is certified under s. 49.45 (2) (a) 11. and if the service
5 or article is provided by a provider certified under s. 49.45 (2) (a) 11.:

6 **SECTION 2045m.** 149.14 (3) (a) to (r) of the statutes are repealed.

7 **SECTION 2046c.** 149.14 (4) of the statutes is repealed and recreated to read:

8 149.14 (4) BENEFIT DESIGN. Except as provided in subs. (2) (a) and (6), the board
9 shall determine the benefit design of the plan, including the covered expenses,
10 expenses excluded from coverage, deductibles, copayments, coinsurance,
11 out-of-pocket limits, and coverage limitations. The board may establish more than
12 one benefit design under the plan. All benefit designs shall be comparable to typical
13 individual health insurance policies offered in the private sector market in this state.

14 **SECTION 2046m.** 149.14 (4c) of the statutes is repealed.

15 **SECTION 2047c.** 149.14 (4m) of the statutes is renumbered 149.142 (2m) and
16 amended to read:

17 149.142 (2m) PAYMENT IS PAYMENT IN FULL. Except for copayments, coinsurance,
18 or deductibles required or authorized under the plan, a provider of a covered service
19 or article shall accept as payment in full for the covered service or article the payment
20 rate determined under ~~ss. 149.142, 149.143 and 149.144~~ sub. (1) and may not bill an
21 eligible person who receives the service or article for any amount by which the charge
22 for the service or article is reduced under ~~s. 149.142, 149.143 or 149.144~~ sub. (1).

23 **SECTION 2047m.** 149.14 (5) of the statutes is repealed.

24 **SECTION 2048c.** 149.14 (5m) of the statutes is repealed.

25 **SECTION 2048m.** 149.14 (6) (a) of the statutes is repealed.

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SECTION 2049c

1 **SECTION 2049c.** 149.14 (6) (b) of the statutes is renumbered 149.14 (6).

2 **SECTION 2049m.** 149.14 (7) (b) of the statutes is amended to read:

3 149.14 (7) (b) The department organization has a cause of action against an
4 eligible participant for the recovery of the amount of benefits paid which are not for
5 covered expenses under the plan. Benefits under the plan may be reduced or refused
6 as a setoff against any amount recoverable under this paragraph.

7 **SECTION 2050c.** 149.14 (7) (c) of the statutes is amended to read:

8 149.14 (7) (c) The department organization is subrogated to the rights of an
9 eligible person to recover special damages for illness or injury to the person caused
10 by the act of a 3rd person to the extent that benefits are provided under the plan.
11 Section 814.03 (3) applies to the department organization under this paragraph.

12 **SECTION 2050m.** 149.14 (8) of the statutes is repealed and recreated to read:

13 149.14 (8) **SUBSIDIES.** The board shall provide for subsidies for premiums,
14 deductibles, and copayments for eligible persons with household incomes below a
15 level established by the board.

16 **SECTION 2051c.** 149.141 of the statutes is created to read:

17 **149.141 Premiums.** The board shall set premiums for coverage under the
18 plan at a level that is sufficient to cover 60 percent of plan costs, as provided in s.

19 149.143 (1) ^{INS E ✓}

20 **SECTION 2051m.** 149.142 (1) (a) of the statutes is renumbered 149.142 (1) and
21 amended to read:

22 149.142 (1) **ESTABLISHMENT OF RATES.** ~~Except as provided in par. (b), the~~
23 ~~department~~ The board shall establish provider payment rates for covered expenses
24 that consist of the allowable charges paid under s. 49.46 (2) for the services and
25 articles provided plus an enhancement determined by the department board. The

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1 rates shall be based on the allowable charges paid under s. 49.46 (2), projected plan
2 costs, and trend factors. Using the same methodology that applies to medical
3 assistance under subch. IV of ch. 49, the department board shall establish hospital
4 outpatient per visit reimbursement rates and hospital inpatient reimbursement
5 rates that are specific to diagnostically related groups of eligible persons. The
6 adjustments to the usual and customary rates shall be sufficient to cover 20 percent
7 of plan costs, as provided in s. 149.143 (3).

8 **SECTION 2052c.** 149.142 (1) (b) of the statutes is repealed.

9 **SECTION 2052m.** 149.142 (2) of the statutes is repealed.

10 **SECTION 2053c.** 149.143 of the statutes is repealed and recreated to read:

11 **149.143 Payment of plan costs.** The board shall pay plan costs, including
12 any premium, deductible, and copayment subsidies, as follows:

13 (1) Sixty percent from premiums paid by eligible persons.

14 (2) Twenty percent from insurer assessments under s. 149.13.

15 (3) Twenty percent from adjustments to provider payment rates under s.
16 149.142.

17 **SECTION 2053m.** 149.144 of the statutes is repealed.

18 **SECTION 2054c.** 149.145 of the statutes is repealed.

19 **SECTION 2054m.** 149.146 (1) (a) and (b) of the statutes are consolidated,
20 renumbered 149.14 (2) (c) and amended to read:

21 149.14 (2) (c) ~~Beginning on January 1, 1998, in~~ In addition to the coverage
22 ~~required under s. 149.14 pars. (a) and (b),~~ the plan shall offer to all eligible persons
23 who are not eligible for ~~medicare~~ Medicare a choice of coverage, as described in
24 section 2744 (a) (1) (C), P.L. 104-191. Any such choice of coverage shall be major
25 medical expense coverage. ~~(b) An eligible person under par. (a) who is not eligible~~

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SECTION 2054m

1 ~~for Medicare~~ may elect once each year, at the time and according to procedures
2 established by the department board, among the coverages offered under this section
3 ~~and s. 149.14. If an eligible person elects new coverage, any preexisting condition~~
4 ~~exclusion imposed under the new coverage is met to the extent that the eligible~~
5 ~~person has been previously and continuously covered under this chapter. No~~
6 ~~preexisting condition exclusion may be imposed on an eligible person who elects new~~
7 ~~coverage if the person was an eligible individual when first covered under this~~
8 ~~chapter and the person remained continuously covered under this chapter up to the~~
9 ~~time of electing the new coverage~~ paragraph and par. (a).

10 **SECTION 2055c.** 149.146 (2) of the statutes is repealed.

11 **SECTION 2055m.** 149.15 of the statutes is repealed.

12 **SECTION 2056c.** 149.155 of the statutes is created to read:

13 **149.155 Additional duties of board.** The board shall do all of the following:

14 (1) Adopt policies for the administration of this chapter, including delegation
15 of any part of its powers and its own procedures.

16 (5) Seek to qualify the plan as a state pharmacy assistance program, as defined
17 in 42 CFR 423.464.

18 (6) Annually submit a report to the legislature under s. 13.172 (2) and to the
19 governor on the operation of the plan.

20 **SECTION 2056m.** 149.16 (title) of the statutes is repealed.

21 **SECTION 2057c.** 149.16 (1m) of the statutes is repealed.

22 **SECTION 2057m.** 149.16 (3) (a) of the statutes is renumbered 149.155 (2) and
23 amended to read:

24 **149.155 (2)** ~~The plan administrator shall perform~~ Perform all eligibility and
25 administrative claims payment functions relating to the plan.

ENGROSSED ASSEMBLY BILL 100**SECTION 2058c**

1 **SECTION 2058c.** 149.16 (3) (b) of the statutes is renumbered 149.155 (3) and
2 amended to read:

3 149.155 (3) ~~The plan administrator shall establish~~ Establish a premium billing
4 procedure for collection of premiums from insured persons. Billings shall be made
5 on a periodic basis as determined by the department board.

6 **SECTION 2058m.** 149.16 (3) (c) of the statutes is renumbered 149.155 (4), and
7 149.155 (4) (intro.), as renumbered, is amended to read:

8 149.155 (4) (intro.) ~~The plan administrator shall perform~~ Perform all necessary
9 functions to assure timely payment of benefits to covered persons under the plan,
10 including:

11 **SECTION 2059c.** 149.16 (3) (e) of the statutes is repealed.

12 **SECTION 2059m.** 149.16 (4) of the statutes is repealed.

13 **SECTION 2060c.** 149.16 (5) of the statutes is repealed.

14 **SECTION 2060m.** 149.165 of the statutes is repealed.

15 **SECTION 2061c.** 149.17 (1) of the statutes is amended to read:

16 149.17 (1) Subject to ss. 149.14 (5m), s. 149.143 and 149.146 (2) (b), a rating
17 plan calculated in accordance with generally accepted actuarial principles.

18 **SECTION 2061m.** 149.17 (2) of the statutes is repealed.

19 **SECTION 2062c.** 149.17 (4) of the statutes is repealed.

20 **SECTION 2062m.** 149.175 of the statutes is repealed.

21 **SECTION 2063c.** 149.20 of the statutes is repealed.

22 **SECTION 2065.** 149.25 of the statutes is repealed.

23 **SECTION 2067.** 153.05 (6m) of the statutes is amended to read:

24 153.05 (6m) The department may contract with the group insurance board for
25 the provision of data collection and analysis services related to health maintenance

1 organizations and insurance companies that provide health insurance for state
2 employees. The department shall establish contract fees for the provision of the
3 services. All moneys collected under this subsection shall be credited to the
4 appropriation under s. 20.435 (4) (1) (hg).

5 **SECTION 2067g.** 153.05 (14) of the statutes is created to read:

6 153.05 (14) With respect to health care information required to be collected
7 under this section from health care providers that are not hospitals or ambulatory
8 surgery centers, the department shall do all of the following:

9 (a) Develop procedures to ensure that data are submitted consistently and
10 accurately, including clarifying the place-of-service codes and types of ancillary
11 services that are required to be reported.

12 (b) Work directly with individual physician practice groups to identify and
13 correct data submission errors.

14 (c) Develop and publish standard reports under s. 153.45 (1) (a) that are
15 understandable by individuals other than medical professionals.

16 (d) Make program data available in a timely fashion.

17 (e) Enter into a memorandum of understanding with the department of
18 regulation and licensing to improve the timeliness of updating physician information
19 and to improve the assessment process under s. 153.60 (1).

20 **SECTION 2074.** 153.60 (1) of the statutes is amended to read:

21 153.60 (1) The department shall, by the first October 1 after the
22 commencement of each fiscal year, estimate the total amount of expenditures under
23 this chapter for the department and the board for that fiscal year for data collection,
24 database development and maintenance, generation of data files and standard
25 reports, orientation and training provided under s. 153.05 (9) (a) and maintaining

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1 the board. The department shall assess the estimated total amount for that fiscal
2 year, less the estimated total amount to be received for purposes of administration
3 of this chapter under s. 20.435 (4) (1) (hi) during the fiscal year, and the
4 unencumbered balance of the amount received for purposes of administration of this
5 chapter under s. 20.435 (4) (1) (hi) from the prior fiscal year and the amount in the
6 appropriation account under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to
7 health care providers, other than hospitals and ambulatory surgery centers, who are
8 in a class of health care providers from whom the department collects data under this
9 chapter in a manner specified by the department by rule. The department shall
10 obtain approval from the board for the amounts of assessments for health care
11 providers other than hospitals and ambulatory surgery centers. The department
12 shall work together with the department of regulation and licensing to develop a
13 mechanism for collecting assessments from health care providers other than
14 hospitals and ambulatory surgery centers. No health care provider that is not a
15 facility may be assessed under this subsection an amount that exceeds \$75 per fiscal
16 year. All payments of assessments shall be credited to the appropriation under s.
17 20.435 (4) (1) (hg).

18 **SECTION 2075.** 153.60 (3) of the statutes is amended to read:

19 153.60 (3) The department shall, by the first October 1 after the
20 commencement of each fiscal year, estimate the total amount of expenditures
21 required for the collection, database development and maintenance and generation
22 of public data files and standard reports for health care plans that voluntarily agree
23 to supply health care data under s. 153.05 (6r). The department shall assess the
24 estimated total amount for that fiscal year to health care plans in a manner specified
25 by the department by rule and may enter into an agreement with the office of the

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1 commissioner of insurance for collection of the assessments. Each health plan that
2 voluntarily agrees to supply this information shall pay the assessments on or before
3 December 1. All payments of assessments shall be deposited in the appropriation
4 under s. 20.435 (4) (1) (hg) and may be used solely for the purposes of s. 153.05 (6r).

5 **SECTION 2076.** 153.65 (1) of the statutes is amended to read:

6 153.65 (1) The department may, but is not required to, provide, upon request
7 from a person, a data compilation or a special report based on the information
8 collected by the department. The department shall establish user fees for the
9 provision of these compilations or reports, payable by the requester, which shall be
10 sufficient to fund the actual necessary and direct cost of the compilation or report.
11 All moneys collected under this subsection shall be credited to the appropriation
12 under s. 20.435 (4) (1) (hi).

13 **SECTION 2081na.** 157.061 (2g) of the statutes is created to read:

14 157.061 (2g) "Cemetery board" means the board created in s. 15.405 (3m).

15 **SECTION 2081nb.** 157.08 (2) (b) of the statutes is amended to read:

16 157.08 (2) (b) Before a cemetery authority sells or encumbers any cemetery
17 land, except for a sale described in par. (a), the cemetery authority shall notify the
18 department cemetery board in writing of the proposed sale or encumbrance. If
19 within 60 days after the department cemetery board is notified of the proposed sale
20 or encumbrance the department cemetery board notifies the cemetery authority in
21 writing that the department cemetery board objects to the sale or encumbrance the
22 cemetery authority may not sell or encumber the cemetery land unless the
23 department cemetery board subsequently notifies the cemetery authority in writing
24 that the objection is withdrawn. The department cemetery board may object to a sale
25 or encumbrance only if it determines that the cemetery authority will not be

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SECTION 2081nb

1 financially solvent or that the rights and interests of owners of cemetery lots and
2 mausoleum spaces will not be adequately protected if the sale or encumbrance
3 occurs. The department cemetery board may, before the expiration of the 60-day
4 period, notify the cemetery authority in writing that the department cemetery board
5 approves of the sale or encumbrance. Upon receipt of the department's cemetery
6 board's written approval, the cemetery authority may sell or encumber the cemetery
7 land and is released of any liability under this paragraph. The department cemetery
8 board shall make every effort to make determinations under this paragraph in an
9 expeditious manner.

10 **SECTION 2081nc.** 157.08 (5) of the statutes is amended to read:

11 157.08 (5) Subsections (1) and (2) (b) do not apply to a religious society
12 organized under ch. 187, and sub. (2) (b) does not apply to a cemetery authority that
13 is not required to be registered licensed under s. 440.91 (1) and that is not organized
14 or conducted for pecuniary profit.

15 **SECTION 2081nd.** 157.11 (11) of the statutes is amended to read:

16 157.11 (11) EXEMPTION FOR CERTAIN NONPROFIT CEMETERIES. Subsection (9g) does
17 not apply to a cemetery authority that is not required to be registered licensed under
18 s. 440.91 (1) and that is not organized or conducted for pecuniary profit.

19 **SECTION 2081ne.** 157.128 (3) (b) of the statutes is amended to read:

20 157.128 (3) (b) A cemetery consisting of less than 20 contiguous acres may be
21 dedicated by a cemetery authority that is not required to be registered licensed under
22 s. 440.91 (1) and that is not organized or conducted for pecuniary profit.

23 **SECTION 2081ng.** 157.19 (5) (a) of the statutes is amended to read:

24 157.19 (5) (a) This section does not apply to care funds under s. 157.11 (9g) that
25 are deposited with a city or county as provided under s. 157.11 (9g) (a), to care funds

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SECTION 2081ng

1 of a cemetery for which a certification under s. 157.63 is effective, to preneed trust
2 funds of a cemetery for which a certification under s. 440.92 (9) is effective, or to care
3 funds or preneed trust funds of a cemetery authority that is not required to be
4 registered licensed under s. 440.91 (1) and that is not organized or conducted for
5 pecuniary profit.

6 **SECTION 2081ni.** 157.625 (3) of the statutes is amended to read:

7 157.625 (3) Section 157.62 does not apply to a cemetery authority that is not
8 required to be registered licensed under s. 440.91 (1) and that is not organized or
9 conducted for pecuniary profit.

10 **SECTION 2081s.** 157.65 (2) of the statutes is amended to read:

11 157.65 (2) The department of justice or any district attorney, upon informing
12 the department of justice, may commence an action in circuit court in the name of
13 the state to restrain by temporary or permanent injunction any violation of this
14 subchapter. The court may, prior to entry of final judgment, make such orders or
15 judgments as may be necessary to restore to any person any pecuniary loss suffered
16 because of the acts or practices involved in the action, if proof of such loss is submitted
17 to the satisfaction of the court. The department of justice may subpoena persons and
18 require the production of books and other documents, and may request the
19 ~~department of regulation and licensing board described in s. 15.405 (3m)~~ or the
20 department of commerce to exercise its authority under sub. (1) to aid in the
21 investigation of alleged violations of this subchapter.

22 **SECTION 2086.** 165.755 (1) (a) of the statutes is amended to read:

23 165.755 (1) (a) Except as provided in par. (b), a court shall impose under ch. 814
24 a crime laboratories and drug law enforcement surcharge of \$7 ~~\$8~~ if the court

ENGROSSED ASSEMBLY BILL 100**SECTION 2086**

1 imposes a sentence, places a person on probation, or imposes a forfeiture for a
2 violation of state law or for a violation of a municipal or county ordinance.

3 **SECTION 2086s.** 165.89 (title) and (4) of the statutes are created to read:

4 **165.89 (title) Grants to certain counties for law enforcement programs.**

5 (4) Notwithstanding subs. (1) and (2) and any criteria and procedures
6 developed under sub. (3), the department shall allocate \$300,000 to Forest County
7 each fiscal year from the appropriation account under s. 20.455 (2) (kq) to fund law
8 enforcement services.

9 **SECTION 2088m.** 165.91 (title) of the statutes is created to read:

10 **165.91 (title) Grants to tribes for law enforcement programs.**

11 **SECTION 2094.** 168.01 (2) of the statutes is amended to read:

12 168.01 (2) "Supplier" includes a person who imports, or acquires immediately
13 upon import, petroleum products by pipeline or marine vessel from a state, territory
14 or possession of the United States or from a foreign country into a terminal and who
15 is registered under 26 USC 4101 for tax-free transactions in gasoline. "Supplier"
16 also includes a person who produces in this state; or imports into a terminal or bulk
17 plant; or acquires immediately upon import by truck, railcar or barge into a terminal;
18 alcohol or alcohol derivative products. "Supplier" also includes a person who
19 produces, manufactures or refines petroleum products in this state. "Supplier" also
20 includes a person who acquires petroleum products pursuant to an industry terminal
21 exchange agreement or by a 2-party exchange under section 4105 of the Internal
22 Revenue Code. "Supplier" does not include a retail dealer or wholesaler who merely
23 blends alcohol with gasoline before the sale or distribution of the product and does
24 not include a terminal operator who merely handles in a terminal petroleum
25 products consigned to the terminal operator.

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SECTION 2094f

1 **SECTION 2094f.** 168.12 (1) of the statutes is amended to read:

2 168.12 (1) Except as provided in subs. (1g) and (1r), there is imposed a
3 petroleum inspection fee at the rate of ~~3~~ 2 cents per gallon on all petroleum products
4 that are received by a supplier for sale in this state or for sale for export to this state.
5 The department of revenue shall determine when a petroleum product is received
6 under this subsection in the same manner that it determines under s. 78.07 when
7 motor vehicle fuel is received. The fee shall be paid under s. 168.125 and shall be
8 based on the number of gallons reported under s. 168.125.

9 **SECTION 2094m.** 180.0122 (1) (u) of the statutes is amended to read:

10 180.0122 (1) (u) Application for certificate of authority, \$100, and \$2 ~~\$3~~ for
11 every \$1,000 or fraction thereof of the foreign corporation's capital exceeding \$60,000
12 employed or to be employed in this state, computed as provided in s. 180.1503, as
13 shown by the application.

14 **SECTION 2095.** 180.0122 (1) (w) of the statutes is amended to read:

15 180.0122 (1) (w) Application for certificate of withdrawal, \$40, and in case that
16 application shows that the foreign corporation employs in this state capital in excess
17 of the amount of capital on which a fee has previously been paid, computed as
18 provided in s. 180.1520 (2) (f), an additional fee which, with previous payments made
19 on account of capital employed in this state, will amount to \$2 ~~\$3~~ for each \$1,000 or
20 fraction thereof of the excess.

21 **SECTION 2096.** 180.0122 (1) (y) of the statutes is amended to read:

22 180.0122 (1) (y) Annual report of a foreign corporation, \$65, and in case the
23 annual report shows that the foreign corporation employs in this state capital in
24 excess of the amount of capital on which a fee has previously been paid, computed
25 as provided in s. 180.1503, an additional fee which, with previous payments made

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1 on account of capital employed in this state, will amount to ~~\$2~~ \$3 for each \$1,000 or
2 fraction thereof of the excess.

3 **SECTION 2097.** 182.028 of the statutes is amended to read:

4 **182.028 School corporations.** Any corporation formed for the establishment
5 and maintenance of schools, academies, seminaries, colleges, or universities or for
6 the cultivation and practice of music shall have power to enact bylaws for the
7 protection of its property, and provide fines as liquidated damages upon its members
8 and patrons for violating the bylaws, and may collect the same in tort actions, and
9 to prescribe and regulate the courses of instruction therein, and to confer such
10 degrees and grant such diplomas as are usually conferred by similar institutions or
11 as shall be appropriate to the courses of instruction prescribed, except that no
12 corporation shall operate or advertise a school that is subject to s. 45.54 38.50 (10)
13 without complying with the requirements of s. 45.54 38.50. Any stockholder may
14 transfer his or her stock to the corporation for its use; and if the written transfer so
15 provides the stock shall be perpetually held by the board of directors with all the
16 rights of a stockholder, including the right to vote.

17 **SECTION 2097m.** 196.20 (7) (c) of the statutes is renumbered 196.20 (7) (c) 1.
18 and amended to read:

19 196.20 (7) (c) 1. The Except as provided in subd. 2., the commission shall only
20 approve a mitigation payment agreement that is received by the commission before
21 June 10, 2003, and, if the commission finds the agreement to be reasonable, shall not
22 subsequently modify the agreement.

23 **SECTION 2097n.** 196.20 (7) (c) 2. of the statutes is created to read:

24 196.20 (7) (c) 2. If the commission receives a mitigation payment agreement
25 before June 10, 2003, and does not determine that the agreement is unreasonable

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1 before November 11, 2003, mitigation payments in accordance with the terms of the
2 agreement shall be recoverable in rates, notwithstanding any subsequent
3 limitations imposed by the commission on the mitigation payments.

4 **SECTION 2097q.** 196.218 (3) (e) of the statutes is amended to read:

5 196.218 (3) (e) Except as provided in par. (f) and s. 196.196 (2) (d), a
6 telecommunications provider or other person may not establish a surcharge on
7 customers' bills to collect from customers contributions required under this
8 subsection.

9 **SECTION 2097r.** 196.218 (3) (f) of the statutes is amended to read:

10 196.218 (3) (f) Notwithstanding ss. 196.196 (1) and (5) (d) 2., 196.20 (2m), (5)
11 and (6), 196.213 and 196.215, a telecommunications utility that provides local
12 exchange service may make adjustments to local exchange service rates for the
13 purpose of recovering the portion of its contributions to the universal service fund
14 that is determined by the commission under par. (a) 4. A telecommunications utility
15 that adjusts local exchange service rates for the purpose of recovering all or any
16 amount of that portion shall identify on customer bills a single amount that is the
17 total amount of the adjustment. The public service commission shall provide
18 telecommunications utilities the information necessary to identify such amounts on
19 customer bills.

20 **SECTION 2098.** 196.219 (3m) of the statutes is created to read:

21 196.219 (3m) LATE PAYMENT CHARGES. (a) *Maximum allowed.* 1. Except as
22 provided in subds. 2. and 3., a telecommunications utility may not impose a late
23 payment charge on a retail consumer at a rate that exceeds \$1.50 upon \$100 for each
24 month computed upon the declining principal balance of any amount that is not paid
25 when due.

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SECTION 2098

1 2. Except as provided in subd. 3., if the maximum late payment charge for any
2 month that is allowed under subd. 1. is less than \$5 for that month, the
3 telecommunications utility may impose a late payment charge that does not exceed
4 \$5 for that month. This subdivision does not apply to residential retail consumers.

5 3. The commission may allow a telecommunications utility to impose a late
6 payment charge at a rate that is greater than that allowed under subd. 1. or 2. if the
7 commission determines that the greater amount is consistent with the factors
8 specified in s. 196.03 (6).

9 (c) *Commission jurisdiction.* The commission does not have jurisdiction over
10 late payment charges except as may be necessary to enforce the requirements of this
11 subsection.

12 **SECTION 2098m.** 196.491 (3) (gm) of the statutes is amended to read:

13 196.491 (3) (gm) The commission may not approve an application filed after
14 October 29, 1999, under this subsection for a certificate of public convenience and
15 necessity for a high-voltage transmission line that is designed for operation at a
16 nominal voltage of 345 kilovolts or more unless the approval includes the condition
17 that the applicant shall pay the fees specified in sub. (3g) (a). If the commission has
18 approved an application under this subsection for a certificate of public convenience
19 and necessity for a high-voltage transmission line that is designed for operation at
20 a nominal voltage of 345 kilovolts or more that was filed after April 1, 1999, and
21 before October 29, 1999, the commission shall require the applicant to pay the fees
22 specified in sub. (3g) (a). For any application subject to this paragraph, the
23 commission shall determine the cost net book value of the high-voltage transmission
24 line, identify the counties, towns, villages and cities through which the high-voltage

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SECTION 2098m

1 transmission line is routed and allocate the amount of investment associated with
2 the high-voltage transmission line to each such county, town, village and city.

3 **SECTION 2099.** 218.0116 (1) (gr) of the statutes is created to read:

4 218.0116 (1) (gr) Being a dealer who violates s. 218.0146 (4).

5 **SECTION 2100.** 218.0146 (4) of the statutes is created to read:

6 218.0146 (4) A motor vehicle dealer who is required to process an application
7 for transfer of title and registration under s. 342.16 (1) (a) shall comply with the
8 requirements of s. 342.16 (1) (am).

9 **SECTION 2107.** 230.08 (2) (e) 5m. of the statutes is amended to read:

10 230.08 (2) (e) 5m. Historical society — 6 5.

11 **SECTION 2107d.** 230.08 (2) (e) 8. of the statutes is amended to read:

12 230.08 (2) (e) 8. Natural resources — 7 6.

13 **SECTION 2109.** 230.08 (2) (x) of the statutes is amended to read:

14 230.08 (2) (x) The executive director of the waste facility siting board, unless
15 the board chooses to appoint the executive director under the classified service.

16 **SECTION 2109j.** 230.08 (2) (yr) of the statutes is repealed.

17 **SECTION 2111.** 230.45 (3) of the statutes is amended to read:

18 230.45 (3) The commission shall promulgate rules establishing a schedule of
19 filing fees to be paid by any person who files an appeal under sub. (1) (c) or (e) or s.
20 230.44 (1) (a) or (b) with the commission on or after the effective date of the rules
21 promulgated under this subsection. Fees paid under this subsection shall be
22 deposited in the general fund as general purpose revenue — earned credited to the
23 appropriation account under s. 20.425 (1) (i).

24 **SECTION 2118k.** 234.165 (2) (c) (intro.) of the statutes is amended to read:

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1 234.165 (2) (c) (intro.) ~~Surplus~~ Except as provided in sub. (3), surplus may be
2 expended or encumbered only in accordance with the plan approved under par. (b),
3 except that the authority may transfer from one plan category to another:

4 **SECTION 2118L.** 234.165 (2) (c) (intro.) of the statutes, as affected by 2005
5 Wisconsin Act (this act), is amended to read:

6 234.165 (2) (c) (intro.) ~~Except as provided in sub. (3), surplus~~ Surplus may be
7 expended or encumbered only in accordance with the plan approved under par. (b),
8 except that the authority may transfer from one plan category to another:

9 **SECTION 2118m.** 234.165 (3) of the statutes is created to read:

10 234.165 (3) For the purpose of housing grants and loans under s. 560.9803 and
11 housing grants under s. 560.9805, in fiscal year 2005-06 the authority shall transfer
12 to the department of commerce \$3,000,000 of its actual surplus under this section
13 and in fiscal year 2006-07 the authority shall transfer to the department of
14 commerce \$2,000,000 of its actual surplus under this section.

15 **SECTION 2118n.** 234.165 (3) of the statutes, as created by 2005 Wisconsin Act
16 (this act), is repealed.

17 **SECTION 2118r.** 236.13 (1) (c) (intro.) of the statutes is amended to read:

18 236.13 (1) (c) (intro.) ~~A comprehensive plan under s. 66.1001 or, if the~~
19 ~~municipality, town, or county does not have a comprehensive plan, either~~ Either of
20 the following:

21 **SECTION 2119.** 237.15 of the statutes is repealed.

22 **SECTION 2120.** 250.041 (1) (a) of the statutes is repealed.

23 **SECTION 2121.** 250.05 (title) of the statutes is renumbered 440.70 (title).

24 **SECTION 2122.** 250.05 (1) of the statutes is renumbered 440.70 (1).

25 **SECTION 2123.** 250.05 (2) of the statutes is renumbered 440.70 (2).

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1 **SECTION 2124.** 250.05 (3) of the statutes is renumbered 440.70 (3) and amended
2 to read:

3 **440.70 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES.** Any agency of
4 the state may employ or contract for the services of sanitarians, registered under this
5 section, who shall enforce the public health statutes under chs. 250 to 255 or rules
6 promulgated under those statutes.

7 **SECTION 2125.** 250.05 (5) of the statutes is renumbered 440.70 (5) and amended
8 to read:

9 **440.70 (5) REGISTRATION.** Except as provided in sub. ~~(8m)~~ and s. 250.041 s.
10 440.12 or 440.13, the department, upon application on forms prescribed by it and
11 payment of the prescribed fee, shall register as a sanitarian any person who satisfies
12 the conditions in sub. (6) and who has presented evidence satisfactory to the
13 department that sanitarian registration standards and qualifications of the
14 department, as established by rule, have been met.

15 **SECTION 2126m.** 250.05 (6) of the statutes is repealed.

16 **SECTION 2127.** 250.05 (7) of the statutes is renumbered 440.70 (7).

17 **SECTION 2128.** 250.05 (8) of the statutes is renumbered 440.70 (8) and amended
18 to read:

19 **440.70 (8) REVOCATION OF REGISTRATION.** The department may, after a hearing
20 held in conformance with ch. 227, ~~except as provided in sub. (8m) (e), revoke or, deny,~~
21 suspend, or limit under this section subchapter the registration of any sanitarian,
22 or reprimand the sanitarian, for practice of fraud or deceit in obtaining the
23 registration or any ~~gross professional negligence~~ unprofessional conduct,
24 incompetence, or misconduct professional negligence.

25 **SECTION 2129.** 250.05 (8m) of the statutes is repealed.

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SECTION 2130

1 **SECTION 2130.** 250.05 (9) of the statutes is repealed.

2 **SECTION 2131.** 250.10 of the statutes is renumbered 250.10 (intro.) and
3 amended to read:

4 **250.10 Grant for dental services.** (intro.) From the appropriation under s.
5 20.435 (5) (de), the:

6 (1) The department shall provide funding in each fiscal year to the Marquette
7 University School of Dentistry for clinical education of Marquette University School
8 of Dentistry students through the provision of dental services by the students and
9 faculty of the Marquette University School of Dentistry in underserved areas and to
10 underserved populations in the state, as determined by the department in
11 conjunction with the Marquette University School of Dentistry; to inmates of
12 correctional centers in Milwaukee County; and in clinics in the city of Milwaukee.

13 Beginning July 1, 2000, the:

14 (2) The department shall also distribute in each fiscal year to qualified
15 applicants grants totaling \$25,000 for fluoride supplements, \$25,000 for a fluoride
16 mouth-rinse program, and \$60,000 \$120,000 for a school-based dental sealant
17 program.

18 **SECTION 2132.** 250.10 (3) of the statutes is created to read:

19 250.10 (3) The department may provide funding to technical college district
20 boards to provide oral health services.

21 **SECTION 2133.** 252.12 (2) (a) 8. of the statutes is amended to read:

22 252.12 (2) (a) 8. Life Mike Johnson life care and early intervention services
23 grants. The department shall award not more than \$1,994,900 \$2,569,900 in fiscal
24 year 2001-02 2005-06 and not more than \$2,069,900 in each fiscal year thereafter
25 in grants to applying organizations for the provision of needs assessments;

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1 assistance in procuring financial, medical, legal, social and pastoral services;
2 counseling and therapy; homecare services and supplies; advocacy; and case
3 management services. These services shall include early intervention services. The
4 department shall also award not more than \$74,000 in each year from the
5 appropriation under s. 20.435 (7) (md) for the services under this subdivision. The
6 state share of payment for case management services that are provided under s.
7 49.45 (25) (be) to recipients of medical assistance shall be paid from the
8 appropriation under s. 20.435 (5) (am).

9 **SECTION 2133c.** 253.07 (1) (c) of the statutes is created to read:

10 253.07 (1) (c) "Tribal health center" means a health center that is under the
11 direction and control of the governing body of a federally recognized American Indian
12 tribe or band.

13 **SECTION 2133f.** 253.07 (2) (b) of the statutes is renumbered 253.07 (2) (b) 1.

14 **SECTION 2133i.** 253.07 (2) (b) 2. of the statutes is created to read:

15 253.07 (2) (b) 2. In distributing the funds under subd. 1., the department shall
16 do all of the following:

17 a. Provide sufficient notice of the availability of the funds to enable local health
18 departments and tribal health centers to apply for the funds.

19 b. Give preference, in awarding funds, to applicants that are local health
20 departments or tribal health centers that will directly provide family planning
21 services.

22 c. Award the funds to applying local health departments or tribal health centers
23 that are qualified to provide family planning services.

24 **SECTION 2133L.** 253.07 (2) (b) 3. of the statutes is created to read:

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1 253.07 (2) (b) 3. The department may award any funds available, after award
2 has been made under subd. 2. c., to family planning agencies that apply and are
3 qualified to provide family planning services.

4 **SECTION 2133n.** 253.07 (2) (d) of the statutes is amended to read:

5 253.07 (2) (d) The department shall encourage maximum coordination of
6 family planning services between county social services departments, family
7 planning agencies, tribal health centers, and local health departments to maximize
8 the use of health, social service and welfare resources.

9 **SECTION 2133p.** 253.07 (4) (intro.) of the statutes is amended to read:

10 253.07 (4) FAMILY PLANNING SERVICES. (intro.) ~~From~~ Subject to sub. (2) (b) 2. and
11 3., from the appropriation under s. 20.435 (5) (f), the department shall allocate funds
12 in the following amounts, for the following services:

13 **SECTION 2134.** 254.15 (1) of the statutes is amended to read:

14 254.15 (1) Develop and implement a comprehensive statewide lead poisoning
15 or lead exposure prevention and treatment program that includes lead poisoning or
16 lead exposure prevention grants under s. 254.151; any childhood lead poisoning
17 screening requirement under rules promulgated under ss. 254.158 and 254.162; any
18 requirements regarding care coordination and follow-up for children with lead
19 poisoning or lead exposure required under rules promulgated under s. 254.164;
20 ~~departmental~~ responses to reports of lead poisoning or lead exposure under s.
21 254.166; any lead investigation requirements under rules promulgated under ss.
22 254.167; any lead inspection requirements under rules promulgated under 254.168;
23 any lead hazard reduction requirements under rules promulgated under s. 254.172;
24 certification, accreditation and approval requirements under ss. 254.176 and

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SECTION 2134

1 254.178; any certification requirements and procedures under rules promulgated
2 under s. 254.179; and any fees imposed under s. 254.181.

3 **SECTION 2136.** 254.166 (title) of the statutes is amended to read:

4 **254.166** (title) ~~Departmental response~~ **Response to reports of lead**
5 **poisoning or lead exposure.**

6 **SECTION 2137.** 254.166 (2) (d) of the statutes is amended to read:

7 254.166 (2) (d) Notify the owner of the dwelling or premises of the presence of
8 a lead hazard. The

9 (2m) If the department determines that a lead hazard is present in any
10 dwelling or premises, the local health department shall and the department may
11 issue an order that requires reduction or elimination of an imminent lead hazard
12 within 5 days after the order's issuance and reduction or elimination of other lead
13 hazards within 30 days after the order's issuance, except that, for orders that are
14 issued between October 1 and May 1 and that relate only to exterior lead hazards
15 that are not imminent lead hazards, the order may require elimination or reduction
16 of the lead hazard no earlier than the June 1 immediately following the order's
17 issuance. If the department agency that issued the order determines that the owner
18 has good cause for not complying with the order within the 5-day or 30-day time
19 period, the department the agency may extend the time period within which the
20 owner is required to comply with the order. The failure to comply with the
21 department's an order within the time prescribed or as extended by the department
22 shall be prima facie evidence of negligence in any action brought to recover damages
23 for injuries incurred after the time period expires. If an order to conduct lead hazard
24 reduction is issued by the department or by a local health department and if the
25 owner of the dwelling or premises complies with that order, there is a rebuttable

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SECTION 2137

1 presumption that the owner of the dwelling or premises has exercised reasonable
2 care with respect to lead poisoning or lead exposure caused, after the order has been
3 complied with, by lead hazards covered by the order, except that with respect to
4 interim control activities the rebuttable presumption continues only for the period
5 for which the interim control activity is reasonably expected to reduce or eliminate
6 the lead hazard.

7 **SECTION 2138.** 254.166 (2) (e) of the statutes is renumbered 254.166 (2r) and
8 amended to read:

9 **254.166 (2r)** ~~If an order is issued under par. (d),~~ The department may conduct
10 or require a certified lead risk assessor or other person certified under s. 254.176 to
11 conduct a lead investigation, a check of work completed, and dust tests for the
12 presence of hazardous levels of lead to ensure compliance with the an order issued
13 under sub. (2m).

14 **SECTION 2141.** 254.171 of the statutes is repealed.

15 **SECTION 2142.** 254.173 (3) (c) 1. of the statutes, as affected by 1999 Wisconsin
16 Act 113, is amended to read:

17 **254.173 (3) (c) 1.** The owner receives an order under s. 254.166 (2) (d) (2m) and
18 fails to comply with the order.

19 **SECTION 2143.** 254.179 (1) (c) 2. (intro.) of the statutes is amended to read:

20 **254.179 (1) (c) 2. (intro.)** The standards limiting the length of validity of a
21 certificate of lead-safe status, including the condition of a premises, dwelling, or unit
22 of a dwelling, the type of lead hazard reduction activity that was performed, if any,
23 and any other requirements that must be met to maintain certification, unless the
24 certificate is earlier revoked because of erroneous issuance or because the premises,
25 dwelling, or unit of the dwelling is not safe from lead-bearing paint hazards. The

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1 The rules shall specify that the face of the certificate shall indicate the certificate's length
2 of validity. ~~The rules shall further specify that applications for certificates of~~
3 ~~lead-safe status for identical premises may be made only as follows:~~

4 **SECTION 2144.** 254.179 (1) (c) 2. a., b. and c. of the statutes are repealed.

5 **SECTION 2145.** 254.911 (1) of the statutes is amended to read:

6 254.911 (1) "Cigarette" has the meaning given in s. 139.30 (1) (1m).

7 **SECTION 2145g.** 254.92 (2m) of the statutes is created to read:

8 254.92 (2m) No person may purchase cigarettes on behalf of, or to provide to,
9 any person who is under 18 years of age. Any person who violates this subsection
10 may be:

11 (a) Required to forfeit not more than \$500 if the person has not committed a
12 previous violation within 30 months of the violation.

13 (b) Fined not more than \$500 or imprisoned for not more than 30 days or both
14 if the person has committed a previous violation within 30 months of the violation.

15 (c) Fined not more than \$1,000 or imprisoned for not more than 90 days or both
16 if the person has committed 2 previous violations within 30 months of the violation.

17 (d) Fined not more than \$10,000 or imprisoned for not more than 9 months or
18 both if the person has committed 3 or more previous violations within 30 months of
19 the violation.

20 **SECTION 2146.** 255.06 (2) (intro.) of the statutes is amended to read:

21 255.06 (2) WELL-WOMAN PROGRAM. (intro.) From the appropriation under s.
22 20.435 (5) (cb), the department shall administer a well-woman program to provide
23 reimbursement for health care screenings, referrals, follow-ups, case management,
24 and patient education provided to low-income, underinsured, and uninsured
25 women. Reimbursement to service providers under this section shall be at the rate

ENGROSSED ASSEMBLY BILL 100**SECTION 2146**

1 of reimbursement for identical services provided under medicare, except that, if
2 projected costs under this section exceed the amounts appropriated under s. 20.435
3 (5) (cb), the department shall modify services or reimbursement accordingly. Within
4 this limitation, the department shall implement the well-woman program to do all
5 of the following:

6 **SECTION 2147.** 255.06 (2) (a) (intro.) of the statutes is renumbered 255.06 (2)
7 (a) and amended to read:

8 255.06 (2) (a) *Breast cancer screening services.* Provide not more than \$422,600
9 in each fiscal year as reimbursement for the provision of breast cancer screening
10 services to women who are aged 40 years or older and whose income does not exceed
11 250 percent of the poverty line, by a hospital or organization that has a
12 mammography unit available for use and that is selected by the department under
13 procedures established by the department. ~~Recipients of services under this~~
14 ~~paragraph are subject to a copayment, payable to the service provider, for which the~~
15 ~~department shall reduce reimbursement to the service provider, as follows: The~~
16 department shall reduce reimbursement for a service provided under this paragraph
17 by the amount of any applicable 3rd-party coverage.

18 **SECTION 2148.** 255.06 (2) (a) 1. to 3. of the statutes are repealed.

19 **SECTION 2149.** 255.06 (2) (e) of the statutes is amended to read:

20 255.06 (2) (e) *Health care screening, referral, follow-up, case management, and*
21 *patient education.* Reimburse service providers for the provision of health care
22 screening, referral, follow-up, case management, and patient education to
23 low-income, underinsured, and uninsured women.

24 **SECTION 2149g.** 255.15 (3) (bm) of the statutes is created to read:

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SECTION 2149g

1 255.15 (3) (bm) From the appropriation under s. 20.435 (5) (fm), the
2 department shall distribute \$96,000 annually for programs to discourage use of
3 smokeless tobacco.

4 **SECTION 2149h.** 255.15 (3) (c) of the statutes is amended to read:

5 255.15 (3) (c) No recipient of moneys distributed under par. (b) or (bm) may
6 expend more than 10% of those moneys for administrative costs.

7 **SECTION 2151.** 281.58 (1) (cg) of the statutes is amended to read:

8 281.58 (1) (cg) "Market interest rate" means ~~the interest at the effective rate~~
9 ~~of a revenue obligation issued by the state to fund a project loan or a portion of a~~
10 ~~project loan under the clean water fund program~~ has the meaning given in s. 281.59
11 (1) (b).

12 **SECTION 2152.** 281.58 (2m) (e) of the statutes is amended to read:

13 281.58 (2m) (e) Inspect periodically clean water fund project construction to
14 determine project compliance with construction plans and specifications approved
15 ~~by the department~~ and the requirements of this section and s. 281.59 and, if
16 applicable, of 33 USC 1251 to 1376 and 33 USC 1381 to 1387 and the regulations
17 promulgated thereunder.

18 **SECTION 2152s.** 281.58 (9) (a) of the statutes is amended to read:

19 281.58 (9) (a) After the department approves a municipality's facility plan
20 submitted under sub. (8s), the municipality shall submit an application for
21 participation to the department. The application shall be in such form and include
22 such information as the department and the department of administration prescribe
23 and shall include design plans and specifications ~~that are approvable by the~~
24 ~~department under this chapter.~~ The department shall review applications for
25 participation in the clean water fund program. The department shall determine

ENGROSSED ASSEMBLY BILL 100 SECTION 2152s

1 which applications meet the eligibility requirements and criteria under subs. (6), (7),
2 (8), (8m) and (13).

3 **SECTION 2153.** 281.58 (9) (ae) of the statutes is amended to read:

4 281.58 (9) (ae) A municipality that submits an application under par. (a)
5 without design plans and specifications may obtain an initial determination of
6 financial eligibility from the department of administration. The department of
7 natural resources may not approve a municipality's application until the
8 municipality submits approvable design plans and specifications.

9 **SECTION 2154.** 281.58 (15) (a) (intro.) and 1. of the statutes are consolidated,
10 renumbered 281.58 (15) (a) and amended to read:

11 281.58 (15) (a) The department and the department of administration may, at
12 the request of a municipality, issue a notice of financial assistance commitment to the
13 municipality after all of the following occur: 1. The the department approves the
14 municipality's application under sub. (9m) (a) and the department of administration
15 has allocated subsidy for the municipality's project.

16 **SECTION 2155.** 281.58 (15) (a) 2. of the statutes is repealed.

17 **SECTION 2156.** 281.59 (1) (b) of the statutes is amended to read:

18 281.59 (1) (b) "Market interest rate" means the interest at the effective interest
19 rate of a on a fixed-rate revenue obligation issued by the state to fund a loan or a
20 portion of a loan for a project under the clean water fund program made under this
21 section or, for a variable rate obligation, the effective interest rate that the
22 department of administration determines would have been paid if the variable rate
23 obligation had been sold at a fixed rate.

24 **SECTION 2157.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

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SECTION 2157

1 281.59 (3e) (b) 1. Equal to ~~\$90,000,000~~ \$109,600,000 during the 2003-05
2 2005-07 biennium.

3 3. Equal to \$1,000 for any biennium after the 2003-05 2005-07 biennium.

4 **SECTION 2158.** 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

5 281.59 (3m) (b) 1. Equal to ~~\$4,000,000~~ \$2,700,000 during the 2003-05 2005-07
6 biennium.

7 2. Equal to \$1,000 for any biennium after the 2003-05 2005-07 biennium.

8 **SECTION 2159.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

9 281.59 (3s) (b) 1. Equal to ~~\$12,800,000~~ \$10,800,000 during the 2003-05
10 2005-07 biennium.

11 2. Equal to \$1,000 for any biennium after the 2003-05 2005-07 biennium.

12 **SECTION 2160.** 281.61 (1) (b) of the statutes is amended to read:

13 281.61 (1) (b) "Market interest rate" means ~~the interest at the effective rate of~~
14 ~~a revenue obligation issued by this state to fund a loan or portion of a loan for a clean~~
15 ~~water fund program project under s. 281.58~~ has the meaning given in s. 281.59 (1)
16 (b).

17 **SECTION 2192.** 285.01 (17m) of the statutes is created to read:

18 285.01 (17m) "Entire facility" means all stationary sources that are under the
19 control of one person or under the control of persons who are under common control
20 and that are located on contiguous properties.

21 **SECTION 2192p.** 285.66 (1) of the statutes is amended to read:

22 285.66 (1) CONSTRUCTION. Unless otherwise specified in ~~the permit, a~~
23 construction permit, the authorization to construct, reconstruct, replace, or modify
24 a stationary source is valid for 18 months from the date of issuance of the permit
25 unless the permit is revoked or suspended. The department may extend the term of

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SECTION 2192p

1 the authorization in the construction permit for the purposes of commencing or
2 completing construction, reconstruction, replacement, or modification. Unless
3 otherwise specified in a construction permit, the department may only extend the
4 term of the authorization in the permit for up to 18 additional months beyond the
5 original 18-month period. If construction, reconstruction, replacement, or
6 modification is not completed within the term specified in the permit or any
7 extension granted by the department, the applicant shall apply for a new
8 construction permit. Notwithstanding the fact that authorization to construct,
9 reconstruct, replace, or modify a source expires under this subsection, all conditions
10 in a construction permit are permanent unless the conditions are revised through a
11 revision of the construction permit or through the issuance of a new construction
12 permit.

13 **SECTION 2192v.** 285.69 (1) (a) of the statutes is renumbered 285.69 (1) (a)
14 (intro.) and amended to read:

15 285.69 (1) (a) *Application for permit.* (intro.) Reviewing and acting upon any
16 application for a construction permit, except that the department may not impose
17 a fee on any of the following persons who apply for a construction permit:

18 **SECTION 2192w.** 285.69 (1) (a) 1. to 3. of the statutes are created to read:

19 285.69 (1) (a) 1. An owner or operator of an entire facility for which an operation
20 permit is required under s. 285.60 but not under the federal clean air act if the entire
21 facility is covered by a registration permit under s. 285.60 (2g).

22 2. An owner or operator of an entire facility for which an operation permit is
23 required under s. 285.60 but not under the federal clean air act if the entire facility
24 is covered by a general permit under s. 285.60 (3).

ENGROSSED ASSEMBLY BILL 100**SECTION 2192w**

1 3. An owner or operator of an entire facility for which an operation permit is
2 required under s. 285.60 but not under the federal clean air act for which the
3 department has issued an operation permit, if the owner or operator has paid the fee
4 under sub. (2) (h) at any time before applying for the construction permit.

5 **SECTION 2193.** 285.69 (1d) of the statutes is created to read:

6 **285.69 (1d) REQUEST FOR WAIVER OF CONSTRUCTION PERMIT REQUIREMENT.** An
7 owner or operator that requests a waiver under s. 285.60 (5m) of the requirement to
8 obtain a construction permit shall pay to the department a fee of \$300.

9 **SECTION 2194.** 285.69 (1g) of the statutes is created to read:

10 **285.69 (1g) ANNUAL FEES FOR OPERATION PERMIT EXEMPTION.** The owner or
11 operator of a stationary source that is exempt from the requirement to obtain an
12 operation permit under s. 285.62 shall pay to the department a fee of \$300 per year
13 if the stationary source had actual emissions of a regulated pollutant in excess of 3
14 tons in the preceding year.

15 **SECTION 2196d.** 285.69 (2) (c) (intro.) of the statutes is amended to read:

16 **285.69 (2) (c) (intro.)** The fees collected under pars. (a) and (e) from the owner
17 or operator of a stationary source for which an operation permit is required under
18 the federal clean air act shall be credited to the appropriations under s. 20.370 (2)
19 (bg), (3) (bg), (8) (mg) and (9) (mh) for the following:

20 **SECTION 2196g.** 285.69 (2) (f) of the statutes is created to read:

21 **285.69 (2) (f)** Notwithstanding pars. (a) and (e), the owner or operator of an
22 entire facility for which an operation permit is required under s. 285.60 but not under
23 the federal clean air act shall pay to the department a fee of \$1,100 for a year if the
24 preceding year was the first year in which the entire facility was covered by a

ENGROSSED ASSEMBLY BILL 100**SECTION 2196g**

1 registration permit under s. 285.60 (2g). Paragraphs (a) and (e) apply in all other
2 years.

3 **SECTION 2196h.** 285.69 (2) (g) of the statutes is created to read:

4 285.69 (2) (g). Notwithstanding pars. (a) and (e), the owner or operator of an
5 entire facility for which an operation permit is required under s. 285.60 but not under
6 the federal clean air act shall pay to the department a fee of \$2,300 for a year if the
7 preceding year was the first year in which the entire facility was covered by a general
8 permit under s. 285.60 (3) and the facility was first covered by an operation permit
9 after the effective date of this paragraph [revisor inserts date]. Paragraphs (a)
10 and (e) apply in all other years.

11 **SECTION 2196i.** 285.69 (2) (h) of the statutes is created to read:

12 285.69 (2) (h) 1. Notwithstanding pars. (a) and (e), the owner or operator of an
13 entire facility for which an operation permit is required under s. 285.60 but not under
14 the federal clean air act may elect to pay the department a fee of \$7,500 for a year
15 if the entire facility was not covered by a registration operation permit under s.
16 285.60 (2g) or by a general operation permit under s. 285.60 (3) in the preceding year
17 and the owner or operator has not previously elected to pay the fee under this
18 subdivision. Paragraphs (a) and (e) apply in all other years.

19 2. Notwithstanding subd. 1. and pars. (a) and (e), for 2006 only, the owner or
20 operator of an entire facility for which an operation permit is required under s.
21 285.60 but not under the federal clean air act and that is not a synthetic minor source,
22 as defined in NR 407.02 (9), Wis. Adm. Code, shall pay a fee of \$300 if the entire
23 facility was not covered by a registration operation permit under s. 285.60 (2g) or by
24 a general operation permit under s. 285.60 (3) in 2005.

25 **SECTION 2196j.** 285.69 (2) (i) of the statutes is created to read:

1 285.69 (2) (i) The fees collected under this subsection from the owner or
2 operator of a stationary source for which an operation permit is required under s.
3 285.60 but not under the federal clean air act and under sub. (1g) shall be credited
4 to the appropriation account under s. 20.370 (2) (bh) for the following purposes as
5 they relate to stationary sources for which an operation permit is required under s.
6 285.60 but not under the federal clean air act:

7 1. The costs of reviewing and acting on applications for operation permits;
8 implementing and enforcing operation permits except for court costs or other costs
9 associated with an enforcement action; monitoring emissions and ambient air
10 quality; preparing rules and materials to assist persons who are subject to the
11 operation permit program; ambient air quality modeling; preparing and
12 maintaining emission inventories; and any other direct and indirect costs of the
13 operation permit program.

14 2. Costs of any other activities related to stationary sources of air
15 contaminants.

16 **SECTION 2198.** 287.26 of the statutes is created to read:

17 **287.26 Business waste reduction and recycling assistance.** The
18 department may contract with a nonprofit organization for services to assist
19 businesses to reduce the amount of solid waste generated or to reuse or recycle solid
20 waste. The department may not provide more than \$250,000 annually under a
21 contract under this section. The department may not provide funds under this
22 section in an amount that exceeds 50 percent of the costs of the services to be provided
23 under the contract. The department shall include in any contract under this section
24 goals and objectives for the services to be provided, methods to measure progress

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1 toward the goals and objectives, and a schedule for reporting to the department on
2 the use of funds and progress towards the goals and objectives.

3 **SECTION 2198t.** 289.64 (3) of the statutes is amended to read:

4 **289.64 (3) AMOUNT OF SOLID WASTE FACILITY SITING BOARD FEE.** The fee imposed
5 under this section is ~~1.7~~ 0.7 cents per ton for solid waste or hazardous waste.

6 **SECTION 2198x.** 289.645 (3) of the statutes is amended to read:

7 **289.645 (3) AMOUNT OF RECYCLING FEE.** The fee imposed under this section is
8 ~~\$3~~ \$2.25 per ton for all solid waste other than high-volume industrial waste.

9 **SECTION 2199.** 289.645 (4) (e) of the statutes is created to read:

10 **289.645 (4) (e)** The recycling fee does not apply to waste material that is
11 removed from recycled materials intended for use as recycled fiber by a person that
12 makes paper, pulp, or paperboard from wastepaper, if the waste material cannot be
13 used to make paper, pulp, or paperboard.

14 **SECTION 2202.** 292.57 (2) (b) of the statutes is amended to read:

15 **292.57 (2) (b)** Any moneys collected under this subsection shall be credited to
16 the appropriation account under s. 20.370 (2) ~~(mi)~~ (dh).

17 **SECTION 2203m.** 301.067 of the statutes is created to read:

18 **301.067 Funding for certain community reintegration services.** From
19 the appropriation under s. 20.410 (1) (d), the department shall provide \$50,000 each
20 fiscal year to Madison-area Urban Ministry, Inc., and \$50,000 each fiscal year to
21 Project Return for community reintegration services.

22 **SECTION 2204.** 301.235 (2) (a) (intro.) of the statutes is amended to read:

23 **301.235 (2) (a) (intro.)** In order to provide new buildings and to enable the
24 construction and financing thereof, to refinance indebtedness created by a nonprofit
25 corporation for the purpose of providing a new building or buildings or additions or

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SECTION 2204

1 improvements thereto which are located on land owned by, or owned by the state and
2 held for, the department or on lands of the institutions under the jurisdiction of the
3 department or owned by the nonprofit corporation, or for any one or more of those
4 purposes, but for no other purpose unless authorized by law, the department, subject
5 to s. 16.848, has the following powers and duties:

6 **SECTION 2205.** 301.235 (2) (a) 1. of the statutes is amended to read:

7 301.235 (2) (a) 1. Without limitation by reason of any other statute except s.
8 16.848, the power to sell and to convey title in fee simple to a nonprofit corporation
9 any land and any existing buildings thereon owned by, or owned by the state and held
10 for, the department or any of the institutions under the jurisdiction of the
11 department for such consideration and upon such terms and conditions as in the
12 judgment of the secretary are in the public interest.

13 **SECTION 2206.** 301.24 (4) of the statutes is amended to read:

14 301.24 (4) SALES. The Except where a sale occurs under s. 16.848, the
15 department, with the approval of the building commission, may sell and convey such
16 lands under the jurisdiction of the department as the secretary deems to be in excess
17 of the present or future requirements of the department for either the operation of
18 its facilities or programs, for the maintenance of buffer zones adjacent to its facilities
19 or for other public purposes. The proceeds of the sales shall be credited to the state
20 building trust fund.

21 **SECTION 2207.** 301.24 (4m) of the statutes is amended to read:

22 301.24 (4m) CORRECTIONAL INSTITUTION PROPERTY DISPOSITION. In addition to
23 any other requirements under this section, except where a sale occurs under s.
24 16.848, the department may sell or otherwise transfer or dispose of the property
25 acquired for the correctional institution under s. 46.05 (1o), 1985 stats., only if the

ENGROSSED ASSEMBLY BILL 100**SECTION 2207**

1 sale, transfer or disposition is approved by the joint committee on finance. The
2 department shall submit a plan for any such proposed sale, transfer or disposition
3 to the committee.

4 **SECTION 2208.** 301.25 of the statutes is amended to read:

5 **301.25 Sewer system at Taycheedah Correctional Institution.** The
6 department, with the approval of the governor, may enter into an agreement
7 containing terms, conditions and covenants approved by the building commission,
8 to participate in the construction of a sanitary sewer system in the area adjacent to
9 the Taycheedah Correctional Institution in the town of Taycheedah, Fond du Lac
10 County; to connect the sewer system of the Taycheedah Correctional Institution
11 thereto; to pay sewage disposal charges; and to grant easements or, subject to s.
12 16.848, convey land to meet construction requirements.

13 **SECTION 2209d.** 301.26 (4) (d) 2. of the statutes is amended to read:

14 301.26 (4) (d) 2. Beginning on July 1, 2003 2005, and ending on June 30, 2004
15 2006, the per person daily cost assessment to counties shall be \$183 \$203 for care in
16 a Type 1 secured correctional facility, as defined in s. 938.02 (19), \$183 \$203 for care
17 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
18 \$225 \$234 for care in a residential care center for children and youth, \$142 \$157 for
19 care in a group home for children, \$47 for care in a foster home, \$88 \$83 for care in
20 a treatment foster home, \$86 \$81 for departmental corrective sanctions services, and
21 \$25 \$32 for departmental aftercare services.

22 **SECTION 2210d.** 301.26 (4) (d) 3. of the statutes is amended to read:

23 301.26 (4) (d) 3. Beginning on July 1, 2004 2006, and ending on June 30, 2005
24 2007, the per person daily cost assessment to counties shall be \$187 \$209 for care in
25 a Type 1 secured correctional facility, as defined in s. 938.02 (19), \$187 \$209 for care

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SECTION 2210d

1 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
2 ~~\$239~~ \$244 for care in a residential care center for children and youth, ~~\$149~~ \$163 for
3 care in a group home for children, ~~\$49~~ \$50 for care in a foster home, ~~\$92~~ \$87 for care
4 in a treatment foster home, ~~\$87~~ \$82 for departmental corrective sanctions services,
5 and ~~\$26~~ \$33 for departmental aftercare services.

6 **SECTION 2210m.** 301.26 (5) of the statutes is created to read:

7 301.26 (5) REVENUE SUFFICIENCY. (a) Before the close of each odd-numbered
8 fiscal year, the department of corrections shall project the balance that will remain
9 in the appropriation account under s. 20.410 (3) (hm) on June 30 of that fiscal year
10 and provide that information to the department of administration.

11 (b) 1. If the department of corrections projects under par. (a) that there will be
12 a deficit in the appropriation account under s. 20.410 (3) (hm) on June 30 of an
13 odd-numbered year, the department of administration shall include the amount of
14 that projected deficit in the cost basis used to calculate the per person daily cost
15 assessments under sub. (4) (d) 2. and 3. for care in a Type 1 secured correctional
16 facility, as defined in s. 938.02 (19), for the next fiscal biennium by adding 50% of that
17 projected deficit to the cost basis used to determine the per person daily cost
18 assessment under sub. (4) (d) 2. for care in a Type 1 secured correctional facility, as
19 defined in s. 938.02 (19), for the first year of the next fiscal biennium and by adding
20 50% of that projected deficit to the cost basis used to determine the per person daily
21 cost assessment under sub. (4) (d) 3. for care in a Type 1 secured correctional facility,
22 as defined in s. 938.02 (19), for the 2nd year of the next fiscal biennium.

23 2. The secretary of administration shall place in unallotted reserve and use to
24 recoup the projected deficit specified in subd. 1. all moneys generated by the

ENGROSSED ASSEMBLY BILL 100**SECTION 2210m**

1 increases in the per person daily cost assessments specified in subd. 1. that result
2 from adding that projected deficit to the cost basis specified in subd. 1.

3 (c) If on June 30 of the odd-numbered year of the next fiscal biennium the
4 moneys placed in unallotted reserve under par. (b) 2. exceed the amount of the actual
5 deficit on June 30 of the odd-numbered year of the fiscal biennium in which that
6 deficit was incurred, all moneys in excess of that actual deficit shall be remitted to
7 the counties or transferred to the appropriation account under s. 20.410 (3) (kx) by
8 September 30 of that odd-numbered year. Each county and the department shall
9 receive a proportionate share of the remittance and transfer depending on the total
10 number of days of placement at Type 1 secured correctional facilities, as defined in
11 s. 938.02 (19), for each county and the state during that next fiscal biennium.
12 Counties shall use any amounts remitted under this paragraph for the purposes
13 specified in this section. The department shall deposit in the general fund the
14 amounts transferred under this paragraph to the appropriation account under s.
15 20.410 (3) (kx).

16 **SECTION 2211.** 301.26 (7) (intro.) of the statutes is amended to read:

17 **301.26 (7) ALLOCATIONS OF FUNDS.** (intro.) Within the limits of the availability
18 of federal funds and of the appropriations under s. 20.410 (3) (cd) and (ko), the
19 department shall allocate funds for community youth and family aids for the period
20 beginning on July 1, ~~2003~~ 2005, and ending on June 30, ~~2005~~ 2007, as provided in
21 this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

22 **SECTION 2212.** 301.26 (7) (a) of the statutes is amended to read:

23 **301.26 (7) (a)** For community youth and family aids under this section,
24 amounts not to exceed \$44,145,100 for the last 6 months of ~~2003~~ 2005, \$88,290,200
25 for ~~2004~~ 2006, and \$44,145,100 for the first 6 months of ~~2005~~ 2007.

ENGROSSED ASSEMBLY BILL 100**SECTION 2213**

1 **SECTION 2213.** 301.26 (7) (b) (intro.) of the statutes is amended to read:

2 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
3 allocate \$2,000,000 for the last 6 months of ~~2003~~ 2005, \$4,000,000 for ~~2004~~ 2006, and
4 \$2,000,000 for the first 6 months of ~~2005~~ 2007 to counties based on each of the
5 following factors weighted equally:

6 **SECTION 2214.** 301.26 (7) (c) of the statutes is amended to read:

7 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
8 \$1,053,200 for the last 6 months of ~~2003~~ 2005, \$2,106,500 for ~~2004~~ 2006, and
9 \$1,053,300 for the first 6 months of ~~2005~~ 2007 to counties based on each of the factors
10 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
11 allocation under this paragraph that is less than 93% nor more than 115% of the
12 amount that the county would have received under this paragraph if the allocation
13 had been distributed only on the basis of the factor specified in par. (b) 3.

14 **SECTION 2215.** 301.26 (7) (e) of the statutes is amended to read:

15 301.26 (7) (e) For emergencies related to community youth and family aids
16 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2003~~
17 2005, \$250,000 for ~~2004~~ 2006, and \$125,000 for the first 6 months of ~~2005~~ 2007. A
18 county is eligible for payments under this paragraph only if it has a population of not
19 more than 45,000.

20 **SECTION 2216.** 301.26 (7) (h) of the statutes is amended to read:

21 301.26 (7) (h) For counties that are participating in the corrective sanctions
22 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2003~~ 2005,
23 \$2,124,800 in ~~2004~~ 2006, and \$1,062,400 in the first 6 months of ~~2005~~ 2007 for the
24 provision of corrective sanctions services for juveniles from that county. In
25 distributing funds to counties under this paragraph, the department shall determine

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1 a county's distribution by dividing the amount allocated under this paragraph by the
2 number of slots authorized for the program under s. 938.533 (2) and multiplying the
3 quotient by the number of slots allocated to that county by agreement between the
4 department and the county. The department may transfer funds among counties as
5 necessary to distribute funds based on the number of slots allocated to each county.

6 **SECTION 2217.** 301.26 (8) of the statutes is amended to read:

7 **301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT.** From the amount of the
8 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last
9 6 months of ~~2003~~ 2005, \$1,333,400 in ~~2004~~ 2006, and \$666,700 in the first 6 months
10 of ~~2005~~ 2007 for alcohol and other drug abuse treatment programs.

11 **SECTION 2221g.** 301.265 (title) of the statutes is created to read:

12 **301.265 (title) Diversion of youth from gang activities.**

13 **SECTION 2221m.** 301.289 of the statutes is created to read:

14 **301.289 Unit supervisor positions.** The department may not employ a unit
15 supervisor or a person having comparable duties to supervise correctional
16 institution security staff unless the person directly reports to the institution's
17 security director.

18 **SECTION 2222.** 301.32 (1) of the statutes is amended to read:

19 **301.32 (1) PROPERTY DELIVERED TO WARDEN OR SUPERINTENDENT; CREDIT AND DEBIT.**

20 All money and other property delivered to an employee of any state correctional
21 institution for the benefit of a prisoner or resident shall be delivered to the warden
22 or superintendent, who shall enter the property upon his or her accounts to the credit
23 of the prisoner or resident. The property may be used only under the direction and
24 with the approval of the superintendent or warden and for the crime victim and
25 witness assistance surcharge under s. 973.045 (4), the delinquency victim and

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1 witness assistance surcharge under s. 938.34 (8d) (c), the deoxyribonucleic acid
2 analysis surcharge under s. 973.046, the drug offender diversion surcharge under s.
3 973.043, or the benefit of the prisoner or resident. If the money remains uncalled for
4 for one year after the prisoner's or resident's death or departure from the state
5 correctional institution, the superintendent shall deposit it in the general fund. If
6 any prisoner or resident leaves property, other than money, uncalled for at a state
7 correctional institution for one year, the superintendent shall sell the property and
8 deposit the proceeds in the general fund, donate the property to a public agency or
9 private, nonprofit organization or destroy the property. If any person satisfies the
10 department, within 5 years after the deposit, of his or her right to the deposit, the
11 department shall direct the department of administration to draw its warrant in
12 favor of the claimant and it shall charge the same to the appropriation made by s.
13 20.913 (3) (bm).

14 **SECTION 2223.** 301.45 (10) of the statutes is created to read:

15 301.45 (10) The department may require a person who must register as a sex
16 offender and who is in its custody or on probation, parole, or extended supervision
17 to pay an annual fee to partially offset its costs in monitoring persons on probation,
18 parole, or extended supervision. The department shall establish any such fee by rule,
19 but the fee may not exceed \$50.

20 **SECTION 2225.** 302.04 of the statutes is amended to read:

21 **302.04 Duties of warden and superintendents.** The Except as provided in
22 s. 16.848, the warden or the superintendent of each state prison shall have charge
23 and custody of the prison and all lands, belongings, furniture, implements, stock and
24 provisions and every other species of property within the same or pertaining thereto.
25 The warden or superintendent shall enforce the ~~regulations~~ rules of the department

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1 for the administration of the prison and for the government of its officers and the
2 discipline of its inmates.

3 **SECTION 2226m.** 302.05 (1) of the statutes is renumbered 302.05 (1) (a).

4 **SECTION 2227m.** 302.05 (1) (c) of the statutes is created to read:

5 302.05 (1) (c) The Robert E. Ellsworth Correctional Center shall provide a
6 substance abuse treatment program for inmates for the purposes of the earned
7 release program described in sub. (3).

8 **SECTION 2228.** 302.05 (3) (b) of the statutes is amended to read:

9 302.05 (3) (b) Except as provided in par. (d), if the department determines that
10 an eligible inmate serving a sentence other than one imposed under s. 973.01 has
11 successfully completed the a treatment program described in sub. (1), the parole
12 commission shall parole the inmate for that sentence under s. 304.06, regardless of
13 the time the inmate has served. If the parole commission grants parole under this
14 paragraph, it shall require the parolee to participate in an intensive supervision
15 program for drug abusers as a condition of parole.

16 **SECTION 2229.** 302.05 (3) (c) 1. of the statutes is amended to read:

17 302.05 (3) (c) 1. Except as provided in par. (d), if the department determines
18 that an eligible inmate serving the term of confinement in prison portion of a
19 bifurcated sentence imposed under s. 973.01 has successfully completed the a
20 treatment program described in sub. (1), the department shall inform the court that
21 sentenced the inmate.

22 **SECTION 2230.** 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

23 302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd.
24 1. that an inmate whom the court sentenced under s. 973.01 has successfully

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1 completed the a treatment program described in sub. (1), the court shall modify the
2 inmate's bifurcated sentence as follows:

3 **SECTION 2231.** 302.05 (3) (d) of the statutes is amended to read:

4 302.05 (3) (d) The department may place intensive sanctions program
5 participants in the a treatment program described in sub. (1), but pars. (b) and (c)
6 do not apply to those participants.

7 **SECTION 2232.** 302.12 (2) of the statutes is amended to read:

8 302.12 (2) Money accruing under this section remains under the control of the
9 department, to be used for the crime victim and witness assistance surcharge under
10 s. 973.045 (4), the deoxyribonucleic acid analysis surcharge under s. 973.046, the
11 drug offender diversion surcharge under s. 973.043, and the benefit of the inmate or
12 the inmate's family or dependents, under rules promulgated by the department as
13 to time, manner and amount of disbursements. The rules shall provide that the
14 money be used for the reasonable support of the inmate's family or dependents before
15 it is allocated for the drug offender diversion surcharge.

16 **SECTION 2233.** 302.13 of the statutes is amended to read:

17 **302.13 Preservation of property an inmate brings to prison.** The
18 department shall preserve money and effects, except clothes, in the possession of an
19 inmate when admitted to the prison and, subject to the crime victim and witness
20 assistance surcharge under s. 973.045 (4) and, the deoxyribonucleic acid analysis
21 surcharge under s. 973.046, and the drug offender diversion surcharge under s.
22 973.043, shall restore the money and effects to the inmate when discharged.

23 **SECTION 2233m.** 302.43 of the statutes is amended to read:

24 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
25 in the amount of one-fourth of his or her term for good behavior if sentenced to at

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1 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
2 for time served prior to sentencing under s. 973.155, including good time under s.
3 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects
4 or refuses to perform any duty lawfully required of him or her, may be deprived by
5 the sheriff of good time under this section, except that the sheriff shall not deprive
6 the inmate of more than 2 days good time for any one offense without the approval
7 of the court. An inmate who files an action or special proceeding, including a petition
8 for a common law writ of certiorari, to which s. 807.15 applies shall be deprived of
9 the number of days of good time specified in the court order prepared under s. 807.15
10 (3). This section does not apply to a person who is confined in the county jail in
11 connection with his or her participation in a substance abuse treatment program
12 that meets the requirements of s. 16.964 (12) (c), as determined by the office of justice
13 assistance under s. 16.964 (12) (j).

14 **SECTION 2235.** 303.01 (8) (b) of the statutes is amended to read:

15 303.01 (8) (b) The department shall distribute earnings of an inmate or
16 resident, other than an inmate or resident employed under sub. (2) (em), for the crime
17 victim and witness assistance surcharge under s. 973.045 (4), for the delinquency
18 victim and witness assistance surcharge under s. 938.34 (8d) (c), for the
19 deoxyribonucleic acid analysis surcharge under s. 973.046 (4) and for compliance
20 with s. 303.06 (2) and may distribute earnings for the support of the inmate's or
21 resident's dependents and for other obligations either acknowledged by the inmate
22 or resident in writing or which have been reduced to judgment that may be satisfied
23 according to law. The department may also distribute earnings for the drug offender
24 diversion surcharge under s. 973.043, but only if the inmate or resident has first
25 provided for the reasonable support of his or her dependents.