

and is not directly related to the inmate's criminal behavior, or another treatment need that is not related to substance abuse and that is directly related to the inmate's criminal behavior. The bill requires DOC to provide appropriate treatment and education, based on its assessment of a participant's treatment needs, to each participant in the Challenge Incarceration Program.

**\*\*\* ANALYSIS FROM -1648/P5 \*\*\***

**CORRECTIONAL SYSTEM**

This bill increases a DOC appropriation for general program operations by \$10,500,000 for fiscal year 2008-09.

**\*\*\* ANALYSIS FROM -0357/3 \*\*\***

~~**CORRECTIONAL SYSTEM**~~

**JUVENILE CORRECTIONAL SYSTEM**

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC <sup>must</sup> is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$268 for care in a juvenile correctional facility or a treatment facility, \$296 for care in a residential care center for children and youth, \$170 for care in a group home, \$74 for care in a foster home, \$145 for care in a treatment foster home, \$101 for corrective

~~sanctions services, and \$37 for aftercare services. This bill changes those assessments for fiscal year 2009-10 to \$270 for care in a juvenile correctional facility or a treatment facility, \$294 for care in a residential care center for children and youth, \$190 for care in a group home, \$72 for care in a foster home, \$126 for care in a treatment foster home, \$101 for corrective sanctions services, and \$40 for aftercare services; and for fiscal year 2010-11 to \$275 for care in a juvenile correctional facility or a treatment facility, \$309 for care in a residential care center for children and youth, \$200 for care in a group home, \$75 for care in a foster home, \$132 for care in a treatment foster home, \$103 for corrective sanctions services, and \$41 for aftercare~~

~~services.~~ *by law. This bill increases most of those assessments.*

**\*\*\* ANALYSIS FROM -1494/2 \*\*\***

**CORRECTIONAL SYSTEM**  
**JUVENILE CORRECTIONAL SYSTEM**

Under current law, sum certain amounts are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the close of fiscal year 2008-09, any unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of that fiscal year,

up to the amount of the deficit, are transferred to the juvenile correctional services appropriation account.

**\*\*\* ANALYSIS FROM -0443/1 \*\*\***

**COURTS AND PROCEDURE**

**CIRCUIT COURTS**

Currently, the state reimburses counties for the actual expenses paid to interpreters required by circuit courts, which includes the payment of mileage at the rate of 20 cents per mile going and returning from an interpreter's residence. This bill raises the mileage reimbursement rate to that paid for state employee travel, which is 48.5 cents per mile.

**\*\*\* ANALYSIS FROM -0442/1 \*\*\***

**COURTS AND PROCEDURE**

**CIRCUIT COURTS**

Currently, the director of state courts reimburses counties for the actual expenses of interpreters used by the circuit courts in that county. Interpreters are reimbursed for their travel expenses and are paid a set hourly fee based on their qualifications.

This bill allows the director of state courts to establish a two-year pilot program in the seventh judicial administrative district (Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau, and Vernon counties) under which the director of state courts may establish a schedule of

payments and make payments to court interpreters who provide court interpretative services for the circuit courts in those counties.

**\*\*\* ANALYSIS FROM -1283/P2 \*\*\***

**COURTS AND PROCEDURE**

**CIRCUIT COURTS**

Under current law, when a person is found guilty of a misdemeanor that the person commits before he or she was 21, the sentencing court may order that the record of the conviction be expunged when the person completes his or her sentence. The court must find that expungement would benefit the person and not harm society and the person may not commit another crime or have his or her probation revoked in order to be eligible for expungement.

Under this bill, a person is eligible to have his or her record of a conviction expunged if the conviction is for a misdemeanor or a nonviolent Class H or Class I felony that was committed before the person reached the age of 25 and the other current requirements for expungement are met.

**\*\*\* ANALYSIS FROM -1308/1 \*\*\***

**COURTS AND PROCEDURE**

**CIRCUIT COURTS**

Under current law, no person who is qualified and able to serve as a juror may be excluded from that service <sup>based on</sup> ~~on the basis of~~ marital status. This bill prohibits exclusion from jury service <sup>based on</sup> ~~on the basis of~~ domestic partnership status.

the training. In addition, current law prohibits the WTCS Board from awarding more than \$1,000,000 in grants in a fiscal year.

This bill eliminates all of the prohibitions described above. In addition, the bill

eliminates a requirement under current law for district boards to submit reports to the WTCS Board on how grants are used.

Insert  
7308 HE-gm  
→

Currently, under certain circumstances,

\*\*\* ANALYSIS FROM -0295/3 \*\*\*  
~~EDUCATION~~

OTHER EDUCATIONAL AND CULTURAL AGENCIES

~~Current law requires the Board of Regents of the UW System (Board of Regents) and each technical college district board (district board) to grant full remission of ~~all~~ academic fees charged for up to 128 credits or eight semesters, whichever is longer, to certain veterans who are residents of this state for veterans benefits purposes and to the spouse, unremarried surviving spouse, and children (dependents) of a veteran who was a resident of this state at the time of entry into service and who either: 1) while a resident of this state, died on active duty, died as the result of a service-connected disability, or died in the line of duty while on active or inactive duty for training purposes, or 2) incurred at least a 30 percent service-connected disability rating. In the case of a veteran enrolled in the UW System, "academic fees" includes nonresident tuition.~~

must provide a

fees for

An eligible veteran or

or child of an eligible

(dependent) ① An eligible veteran is one who

or has been awarded

This bill directs the Board of Regents and a district board granting a remission of academic fees to <sup>requires</sup> a veteran or <sup>or</sup> dependent <sup>of a veteran</sup> to apply to the payment of those <sup>academic</sup> fees all educational assistance to which that person is entitled under the federal Post-9/11 Veterans Educational Assistance Act of 2008 (P.L. 110-252) commonly referred to as the "New GI Bill" which provides educational assistance for members of the U.S. armed forces who serve after September 11, 2001. This requirement applies notwithstanding the fact that the veteran or dependent may be entitled to educational assistance under the federal Montgomery GI Bill Act of 1984 or the federal Survivors' and Dependents' Educational Assistance Program (collectively referred to as the "Old GI Bill") as well as under the New GI Bill. For a veteran or dependent who is entitled to educational assistance under both the Old GI Bill and the New GI Bill, if the amount of educational assistance, other than educational assistance for tuition, to which the veteran or dependent is entitled under the Old GI Bill is greater than the amount of educational assistance, other than educational assistance for tuition, to which the veteran or dependent is entitled under the New GI Bill, the Higher Educational Aids <sup>(HEAAs)</sup> Board must reimburse the veteran or dependent for the difference in those amounts of educational assistance.

..... nun

**EDUCATION**

**OTHER EDUCATIONAL AND CULTURAL AGENCIES**

HEAB must award

Under current law, HEAB awards various grants to resident students for

~~higher education, including,~~ beginning in the 2011-12 academic year, Wisconsin

covenant scholar grants to ~~resident students who are~~ <sup>undergraduates</sup> enrolled at least half time and

~~registered as freshmen, sophomores, juniors, or seniors in~~ <sup>at nonprofit</sup> public or private

~~nonprofit, accredited~~ institutions of higher education or <sup>at</sup> tribally controlled

STA

colleges in this state. ~~Current law requires HEAB to promulgate rules to implement~~

~~that grant program.~~ This bill requires a student to be designated as a Wisconsin

covenant scholar by the Office of the Wisconsin Covenant Scholars Program in DOA

(office) in order to be eligible for a Wisconsin covenant scholar grant. This bill also

requires DOA, rather than ~~HEAB~~ <sup>of under current law</sup>, to promulgate rules to implement the grant

program and requires those rules to include ~~rules~~ <sup>rules</sup> establishing eligibility criteria for

designation as a Wisconsin covenant scholar. In addition, the bill requires DPI <sup>to</sup>

~~the extent permitted under the federal Family Educational Rights and Privacy Act,~~

to provide pupil information to the office as necessary for the office to fulfill its role

in the administration of the grant program.

\*\*\* ANALYSIS FROM -0294/1 \*\*\*

~~EDUCATION~~

~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

Under current law, ~~Higher Educational Aids Board (HEAB)~~ awards Wisconsin higher education grants (WHEG grants) to undergraduates enrolled at least half time at nonprofit public institutions of higher education or tribally controlled colleges in this state. Currently, a WHEG grant may not exceed \$3,000 for an academic year. This bill permits HEAB to establish the maximum amount of a WHEG grant, but prohibits HEAB from increasing that maximum amount unless HEAB determines that as many students will be awarded WHEG grants in the current academic year as in the previous academic year.

\*\*\* ANALYSIS FROM -1293/3 \*\*\*

~~EDUCATION~~

~~HIGHER EDUCATION~~

(No P) The

~~Under current law, the Higher Educational Aids Board (HEAB) awards Wisconsin higher education grants to undergraduates enrolled in nonprofit public institutions of higher education or tribally controlled colleges in this state. This bill~~

also

funds those grants in fiscal year 2009-10 in part from moneys received by the UW System for auxiliary enterprises, ~~such as dining halls and parking facilities.~~

\*\*\* ANALYSIS FROM -1687/2 \*\*\*

~~EDUCATION~~

~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

Current law requires ~~the Higher Educational Aids Board (HEAB)~~ to contract with a private nonprofit institution of higher education in this state that operates an



doctor of dental surgery (D.D.S.)  
-85-  
student at the Marquette University  
School of Dentistry, Current  
"law caps"

Dental School

OWN

~~accredited dental school (Marquette University Dental School) for the provision of dental education services for residents of this state who are enrolled as full-time students in the pursuit of a doctor of dental surgery (D.D.S.) degree. Currently,~~

Under current law,

HEAB must <sup>disburse</sup> distribute \$8,753 in each fiscal year to the Marquette University Dental School for each <sup>Wisconsin</sup> resident student who is enrolled <sup>as a</sup> full-time in the pursuit of a D.D.S. ~~doctor of dental surgery (D.D.S.) at the Wisconsin residents~~ degree, and the number of ~~resident students~~ who may be funded by HEAB is capped at 160.

This bill, beginning in fiscal year 2010-11, eliminates ~~the dental education contract~~ and instead creates a loan program, to be administered by HEAB, to defray the cost of tuition, fees, and expenses for <sup>Wisconsin residents</sup> resident students who are enrolled <sup>as</sup> full-time in a program leading to a D.D.S. <sup>students</sup> degree at the Marquette University Dental School.

The maximum amount of a loan for a resident, full-time student during a fiscal year is \$8,753, and the maximum number of <sup>Wisconsin residents</sup> resident students who may receive a loan is

160 in each fiscal year. Under the bill, a loan recipient must agree that ~~after he or she has completed his or her program of study,~~ <sup>for the same number of years that he or she received a loan,</sup> 20 percent of the loan recipient's <sup>his or her</sup> patient encounters as a dentist will be with <sup>Wisconsin</sup> residents of this state who are recipients of Medical Assistance. ~~That patient encounter obligation continues for the same number of years that the loan recipient received a loan.~~ The bill requires HEAB to

Forgive one

~~forgive the principal and interest of one fiscal year's loan after each full year that the recipient fulfills that patient encounter obligation.~~

\*\*\* ANALYSIS FROM -1840/1 \*\*\*

**EDUCATION**

~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

Current law requires ~~the Higher Educational Aids Board (HEAB)~~ to establish plans to be administered by HEAB for participation by this state under any federal acts relating to higher education. This bill requires HEAB to obtain the approval of DOA before HEAB may expend any discretionary federal economic stimulus funds for any higher education capital or modernization project.

DOA administers an

\*\*\* ANALYSIS FROM -0669/1 \*\*\*

**EDUCATION**

~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

~~Under current law, certain educational agencies, such as school districts, private schools, technical college districts, private colleges, and public library systems, may participate in the Educational Telecommunications Access Program,~~

under which DOA provides, ~~or contracts for the provision of,~~ Internet access to ~~the~~ educational agencies. Currently, an educational agency that is provided with a data

~~line for~~ Internet access under the program may not provide ~~to~~ access ~~to~~ the data line

to any business entity ~~that is operated for profit.~~ This bill permits ~~an~~ educational

agency to provide access to a data line ~~provided under the program~~ to a business

entity ~~if~~ ~~the~~ business entity ~~is~~ broadcasting an event sponsored by the educational

that

for-profit

such

such Internet

for-profit

that

if

~~agency, 2) the business entity has the permission of the educational agency to record and broadcast the event; and 3) the business entity reimburses DOA for its proportionate share of the cost of the data line used to broadcast the event.~~

**\*\*\* ANALYSIS FROM -0778/1 \*\*\***

**EMINENT DOMAIN**

Currently, whenever an entity with the power of condemnation seeks to acquire property by condemnation, it must provide the property owner with an appraisal of the property and pay for the owner to acquire his or her own appraisal. This bill provides that, if the property is being acquired for sewers or transportation facilities, the owner may use an appraisal prepared by the owner or condemnor during the period preceding negotiations in any subsequent appeal only if the appraisal was provided to the other party during that period.

Currently, if a property owner agrees voluntarily to convey the property to the condemnor at an agreed-upon price, the owner has the right, within six months, to appeal the issue of the amount of compensation paid by the condemnor. This bill eliminates this right for owners whose property is being acquired for sewers or transportation facilities. The bill does not eliminate the owner's right to appeal the amount of compensation within two years if his or her property is condemned.

Currently, a property owner who on appeal is awarded more in just compensation than was offered by the condemnor is entitled to litigation expenses,

may be combined into a single unit and any two or more units for academic staff may be combined into a single unit. Representatives for each unit are chosen by election.

Unfair labor practices for UW System academic staff and faculty collective bargaining are generally the same as those under SELRA, except that the bill specifically provides that it is not an unfair labor practice for the Board of Regents of the UW System to implement changes in salaries or conditions of employment for members of the faculty or academic staff at one UW institution and not for such persons at other UW institutions if certain conditions are met. The bill specifically authorizes fair-share and maintenance of membership agreements for UW academic staff and faculty collective bargaining, as is the case under SELRA. The bill also prohibits strikes.

Under the bill, the subjects of collective bargaining are the same as under SELRA, except that collective bargaining is prohibited on the mission and goals of the Board of Regents of the UW System; the diminution of the right of tenure provided faculty; the rights granted faculty and academic staff under current law; and academic freedom. Finally, under the bill, collective bargaining agreements covering UW faculty and academic staff must be approved by the Joint Committee on Employment Relations and adopted by the legislature.

**\*\*\* ANALYSIS FROM -1339/2 \*\*\***

~~EMPLOYMENT~~

Under the current prevailing wage law, certain laborers, workers, mechanics, and truck drivers employed on a state or local project of public works must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located, ~~as determined by DWD,~~ and may not be required or permitted to work a ~~greater number of hours per day and per week~~ than the prevailing hours of labor, that is, ~~no more than ten hours per day and 40~~ <sup>or</sup> hours per week, unless they are paid 1.5 times their basic rate of pay (overtime pay) for all hours worked in excess of ~~the~~ <sup>those</sup> prevailing hours of labor. Currently, the prevailing wage law does not apply to a multiple-trade public works project whose estimated cost of completion is less than \$234,000 or to a single-trade public works project whose estimated cost of completion is less than \$48,000. DWD adjusts those amounts annually based on changes in construction costs.

This bill requires all laborers, workers, mechanics, and truck drivers ~~working~~ <sup>employed on</sup> ~~on the site of~~ a publicly funded private construction project to be paid not less than the prevailing wage rate and to be paid overtime pay for all hours worked in excess of the prevailing hours of labor. The bill defines a "publicly funded private construction project" as a construction project, ~~other than a project of public works,~~ that receives financial assistance from a local governmental unit <sup>and</sup> ~~and~~ "financial assistance" as ~~any grant, cooperative agreement, loan, contract, or any other~~

~~any grant, cooperative agreement, loan, contract, or any other~~ <sup>contract</sup>

~~available financial assistance for a private construction project~~.....

nwn

~~arrangement by which a local governmental unit provides or otherwise makes available assistance in any of the following forms:~~

1. Funding.
2. A transfer or lease of real or personal property of the local governmental unit or of any interest in or permission to use that property for less than fair market value or for reduced consideration.
3. Proceeds from a subsequent transfer or lease of real or personal property transferred or leased from the local governmental unit, if the local governmental unit's share of the fair market value of the property is not returned to the local governmental unit.
4. A redevelopment contract, economic development agreement, industrial development revenue agreement, contract for the development or redevelopment of a tax incremental district or a blighted area, or assistance provided to develop, ~~redevelopment, maintain, operate, or promote a business improvement district.~~

The bill also

This bill sets the threshold for applicability of the prevailing wage law at an estimated cost of project completion of \$2,000, regardless of whether the project is a single-trade project or a multiple-trade project, and eliminates the authority of DWD to adjust that threshold.

Do not stay

.....  
hwn

Current law requires each contractor, subcontractor, and agent performing work on a project that is subject to the prevailing wage law to keep records indicating the name and trade or occupation of every person performing work that is subject to the prevailing wage law and an accurate record of the number of hours worked by each of those persons and the actual wages paid for those hours worked. This bill requires a contractor, subcontractor, or agent performing work on a project that is subject to the prevailing wage law to submit, on a weekly basis, a certified record of that information for the preceding week to the local governmental unit, state agency, or private owner or developer authorizing the work.

Under current law  
DWD must  
on request

you request,

~~Current law requires DWD, if requested by any person, to inspect the payroll records of any contractor, subcontractor, or agent performing work on a project that is subject to the prevailing wage law to ensure compliance with that law. If the contractor, subcontractor, or agent is found to be in compliance with that law and if~~

~~the person making the request is a person performing work that is subject to that law, DWD must charge the person the actual cost of the inspection. If the contractor, subcontractor, or agent is found to be in compliance with that law and if the person making the request is not a person performing work that is subject to that law, DWD~~

lays

must charge the person <sup>the</sup> ~~greater~~ <sup>a requestor</sup> ~~or the actual~~ cost of the inspection, ~~whichever is greater.~~

a requestor

cost of such an

This bill requires DWD to charge a person making a request for the inspection of

~~those payroll records only if DWD finds that the contractor, subcontractor, or agent is in compliance with that law and that the request is frivolous. In order to find that a request is frivolous, DWD must find that the person making the request made the request in bad faith, solely for the purpose of harassing or maliciously injuring the contractor, subcontractor, or agent, or that the person making the request knew, or should have known, that there was no reasonable basis for believing that a violation of the prevailing wage law had been committed.~~

only if

only if the

was made

if the requester

When DWD receives a complaint alleging discrimination

\*\*\* ANALYSIS FROM -1800/1 \*\*\*

EMPLOYMENT

Under current law, a person who believes that he or she has been discriminated against in employment, housing, or the full and equal enjoyment of a public place of accommodation, ~~that his or her employer has violated the family and medical leave law; that he or she has been retaliated against for disclosing information demonstrating mismanagement or abuse of authority in state or local government (commonly referred to as "the whistleblower law"); or that he or she has been discriminated against for exercising any right relating to public employee occupational safety and health may file a complaint (complaint) with DWD, and~~

DWD must investigate the complaint to determine whether there is probable cause to believe that a violation occurred (probable cause). Under current DWD rules, if DWD determines that there is no probable cause, DWD must dismiss the complaint

↑ a complaint alleging a violation of

↑ a complaint alleging retaliation

↑ or a complaint alleging discrimination

Finds

1



~~and~~ the complainant may request a hearing on the issue of probable cause before ~~an~~ administrative law judge. *a hearing examiner* *and instead provides that the finding of no probable cause*

This bill eliminates the right ~~of a complainant whose complaint is dismissed for~~ lack of probable cause to request ~~a~~ *to* hearing on the issue of probable cause ~~before an~~ administrative law judge. Under the bill, if DWD determines that there is no probable cause and dismisses a complaint, the order of dismissal is the final decision of DWD, which may be appealed to the circuit court.

**\*\*\* ANALYSIS FROM -1307/1 \*\*\***

~~Under current law, for property tax purposes, agricultural land is land that is devoted primarily to agricultural use, as defined by the Department of Revenue by rule. Under this bill, agricultural land does not include land that is platted and zoned for residential, commercial, or industrial use.~~

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**\*\*\* ANALYSIS FROM -1629/1 \*\*\***

**EMPLOYMENT**

Under current law, DOJ is required to defend claims against the work injury supplemental benefit (WISB) fund, which is a fund that is used to pay supplemental worker's compensation to employees with permanent total disability, additional death benefits to the children of a deceased employee, additional worker's compensation to an employee with permanent partial disability who incurs further permanent disability, and worker's compensation when *there is no adequate remedy for* an otherwise meritorious claim for occupational disease is barred by the statute of limitations, when the status

~~or existence of the employer or insurer cannot be determined, or when there is otherwise no adequate remedy.~~ DOJ is also required to prosecute claims for payment into the WISB fund against an employer when an injury results in death or in the loss or total impairment of a hand, arm, foot, <sup>limb</sup> leg or eye or when a minor is injured while working without a work permit or in prohibited employment. This bill permits DWD to retain DOA or an insurance service organization, in addition to DOJ, to prosecute or defend claims for payment into or out of the WISB fund, except that under the bill DOJ must continue to appear on behalf of the state in administrative hearings or court proceedings on such claims.

**\*\*\* ANALYSIS FROM -0417/2 \*\*\***

**~~EMPLOYMENT~~**

Currently, DWD operates an employment service that assists unemployed individuals in finding suitable employment. This program is funded with federal revenue. In addition, the federal government provides special grants to this state that may be used for the purpose of unemployment insurance (UI) administration, for the payment of UI benefits, or for certain other purposes.

This bill permits the employment service program to be funded, in addition, from the special federal grants. The change potentially increases the liability of employers to finance UI benefits through contributions (taxes).

**\*\*\* ANALYSIS FROM -1499/1 \*\*\***

**HEALTH AND HUMAN SERVICES****PUBLIC ASSISTANCE**

Under current law, DHS provides benefits under the food stamp program to qualified aliens. Providing the benefits is allowed but not required under federal law. Any state that does provide food stamp benefits to qualified aliens pays the whole cost itself. This bill eliminates the provision of food stamp benefits to qualified aliens.

**\*\*\* ANALYSIS FROM -0967/1 \*\*\*****HEALTH AND HUMAN SERVICES****PUBLIC ASSISTANCE**

Under current law, DOA administers a low-income energy assistance program under which DOA provides heating assistance benefits to eligible households. One type of eligible household is a household that is entirely composed of persons receiving food stamps. This bill adds as an eligible household a household that includes at least one person who is eligible for food stamps, excluding households in certain institutions defined by DHS by rule, and specifies that such an eligible household may not receive more than \$1 in heating assistance benefits.

**\*\*\* ANALYSIS FROM -0317/3 \*\*\*****HEALTH AND HUMAN SERVICES****CHILDREN**

Under current law, kinship care payments and assessments to determine eligibility for kinship care payments are funded from certain program revenue service appropriations to DCF that consist of moneys transferred from a

~~federal block grant aids appropriation of DCF. This bill eliminates those program revenues-service appropriations, resulting in kinship care payments and assessments being funded directly from that federal block grant aids appropriation.~~

#### **PUBLIC ASSISTANCE**

Under current law, DCF may spend no more than the minimum amount required under the federal law that provides federal Child Care Development Funds (CCDF). From a number of specified appropriations, DCF allocates CCDF for a number of specified purposes related to child care licensing and child care programs administered by DCF. The allocations in current law either provide no specific amount or require an allocation of at least a certain specified amount.

This bill eliminates the specific list of appropriations from which DCF allocates CCDF and eliminates the requirement that DCF spend no more than the minimum amount required under federal law for its child care licensing activities and child care programs. The programs to which allocations are made and the allocation amounts are not changed.

Also under current law, DCF allocates specific amounts of federal moneys in each fiscal year, including CCDF and moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs and for child care-related purposes, including its day care

or a supplementary mental examination, or both. Under this bill, the court may order only a predisposition investigation.

\*\*\* ANALYSIS FROM -0884/3 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

Sub-sub  
Out-of-home care

CHILDREN

Under current law, any person who receives ~~four or fewer children or, under certain circumstances, more than four children to provide~~ care and maintenance for ~~those~~ children must obtain a license to operate a foster home and any person who receives ~~four or fewer children to provide~~ care and maintenance and structured, professional treatment for ~~those~~ children must obtain a license to operate a treatment foster home. A foster parent is reimbursed for basic maintenance according to age-related rates specified in ~~the statutes~~ and may receive supplemental payments for special needs, exceptional circumstances, and initial clothing allowances according to rates promulgated by DCF by rule. In addition, a treatment foster parent receives supplemental payments for providing treatment foster care. A relative who provides care and maintenance for a child is not required to obtain a foster ~~home~~ or treatment foster home license, but may, if he or she meets certain conditions, receive kinship care payments of \$215 per month or, if he or she has been appointed guardian of the child, long-term kinship care payments in that amount.

provides  
four or fewer  
Provides  
four or fewer  
by law

or  
or, if he or she

This bill eliminates kinship care ~~and long-term kinship care~~ payments and treatment foster homes as a separate licensing category effective on January 1, 2010.

Instead, the bill requires DCF to promulgate rules regulating foster care as follows:

1. Rules providing levels of care that a foster home is licensed to provide. Those levels of care must be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee, and any other requirements relating to the ability of the licensee to provide for those needs that DCF may promulgate by rule.

2. Rules establishing a standardized assessment tool to assess the needs of a child placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home that is licensed to provide a given level of care may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed to provide.

3. Rules providing monthly rates of reimbursement for foster care that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home. Those rates are in addition to the basic maintenance rates for foster care ~~and~~ must include rates for

under the bill  
(which are increased by 5 percent beginning on January 1, 2010, and by an additional 5 percent beginning on January 1, 2011)

supplemental payments for special needs, exceptional circumstances, and initial clothing allowances for children placed in a foster home.

4. Rules providing a monthly retainer fee for a foster home that agrees to maintain openings for emergency placements.

A person who is licensed to operate a treatment foster home on December 31, 2009, is considered to be licensed to operate a foster home beginning on January 1, 2010, and must be reimbursed for foster care at the appropriate rate determined under the rules promulgated by DCF under the bill. A person who is receiving kinship ~~or long-term kinship~~ care payments, on December 31, 2009, is considered to be licensed to operate a foster home beginning on January 1, 2010, and must be reimbursed for foster care at that appropriate rate if the person passes the ~~criminal history and child abuse~~ background investigation required of foster parents.

**\*\*\* ANALYSIS FROM -0883/2 \*\*\***  
**HEALTH AND HUMAN SERVICES**  
**CHILDREN**

Under current law, a residential care center for children and youth (residential care center) and a group home must establish a per client rate for ~~its~~ <sup>their</sup> services and must submit ~~to DCF~~ <sup>to DCF</sup> that rate and any change in that rate before a charge is made <sup>charging</sup> to any purchaser of those services.

.....  
hwn

rather than

This bill requires DCF to ~~establish the per client rate that~~ a residential care center or a group home ~~may charge for its services~~, <sup>to establish that rates</sup> and the per client administrative rate that a child welfare agency may charge for the administrative portion of its treatment foster care services, for services provided beginning on January 1, 2011. <sup>requires DCF to establish</sup>

The bill also freezes for 2010 at the 2009 level the per client rate that a residential care center or a group home may charge for its services and the per client administrative rate that a child welfare agency may charge for the administrative portion of its treatment foster care services. The bill defines "administrative rate"

as the difference between the rate charged by a child welfare agency to a purchaser of treatment foster care services and the rate paid by the child welfare agency to a treatment foster parent for the care and maintenance of a child.

Under the bill, ~~by October 1 annually, a residential care center or a group home~~ must submit to DCF the per client rate that it proposes to charge for services provided in the next year and a child welfare agency must submit to DCF the proposed per client administrative rate that it ~~proposes to charge for treatment foster care services provided in the next year~~. DCF must then review the proposed

~~rate and audit the residential care center, group home, or child welfare agency to~~ determine whether <sup>(a)</sup> the proposed rate <sup>proposed by a residential care center, group home, or child welfare agency</sup> is appropriate to the level of services to be provided; the qualifications of the residential care center, group home, or child <sup>welfare agency</sup>



welfare agency to provide those services; and the reasonable and necessary costs of providing those services.

~~In reviewing a proposed rate, DCF must consider certain factors, including: 1) changes in the consumer price index; 2) changes in allowable costs based on current actual cost data or documented projections of costs; 3) changes in program utilization that affect the per client rate or per client administrative rate; 4) changes in DCF's expectations relating to service delivery; 5) changes in service delivery proposed by the residential care center, group home, or child welfare agency and agreed to by DCF; 6) the loss of any source of revenue that had been used to pay expenses; 7) changes in any state or federal laws, rules, or regulations that result in any change in the cost of providing services, including any changes in the minimum wage; 8) competitive factors; 9) the availability of funding to pay for the services to be provided under the proposed rate; and 10) any other factor relevant to the setting of a rate that DCF may determine by rule promulgated under the bill.~~

no A

← If DCF determines that a proposed rate is appropriate, DCF must approve the proposed rate. If DCF does not approve a proposed rate, DCF must negotiate with the residential care center, group home, or child welfare agency to determine an agreed to rate. If after negotiations a rate is not agreed to, the parties must engage in mediation to arrive at an agreed to rate. If after mediation a rate is not agreed to,

.....  
nwn

the residential care center, group home, or child welfare agency may not provide the service for which the rate was proposed.

**\*\*\* ANALYSIS FROM -1415/1 \*\*\***

**~~HEALTH AND HUMAN SERVICES~~  
CHILDREN**

Under current DCF rules, a treatment foster parent, ~~that is, a person who provides care and maintenance and structured, professional treatment for a child,~~ is required to receive initial training before placement of the first child in his or her home and ongoing training in the specific needs of the treatment foster parent after licensing. Additionally, a foster parent, ~~that is, a person who provides care and maintenance, but not structured, professional treatment, for a child, or a~~ treatment foster parent caring for a child with special needs may voluntarily participate in a foster care education program approved by DCF. This bill requires all foster ~~parents~~ and treatment foster parents to successfully complete training in the care and support needs of children who are placed in foster ~~care or~~ <sup>or</sup> treatment foster care ~~that has been approved by DCF. The bill requires DCF to promulgate rules prescribing the training that is required under the bill and to monitor compliance with the training requirement according to those rules.)~~

**\*\*\* ANALYSIS FROM -1338/2 \*\*\***

out

~~HEALTH AND HUMAN SERVICES~~

~~CHILDREN~~

~~Current law specifies age-related basic maintenance rates that are paid by the state or a county to a foster parent for the care and maintenance of a child. Currently, those rates are \$349 for a child under five years of age, \$381 for a child 5 to 11 years of age, \$433 for a child 12 to 14 years of age, and \$452 for a child 15 years of age or over. This bill increases those rates by 5 percent beginning on January 1, 2010, and by an additional 5 percent beginning on January 1, 2011, so that beginning on January 1, 2010, those rates are \$366 for a child under five years of age, \$400 for a child 5 to 11 years of age, \$455 for a child 12 to 14 years of age, and \$475 for a child 15 years of age or over, and beginning on January 1, 2011, those rates are \$384 for a child under five years of age, \$420 for a child 5 to 11 years of age, \$478 for a child 12 to 14 years of age, and \$499 for a child 15 years of age or over.~~

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-0238/3  
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Sub sub  
Child abuse  
and neglect

\*\*\* ANALYSIS FROM -1270/1 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~CHILDREN~~

Under current law, immediately after receiving a report of suspected or threatened child abuse or neglect, a county department of human services or social services (county department) must evaluate the report to determine whether a caregiver of the child is suspected of the abuse or neglect. If a caregiver is suspected of the abuse or neglect, the county department must initiate a diligent investigation

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to determine whether the child is in need of protection or services. If a person who is not a caregiver is suspected of the abuse or neglect, the county ~~department~~ may initiate such an investigation. If the report is of ~~suspected or threatened~~ child sexual abuse, the county ~~department~~ must refer the report to the sheriff or police department. Within 60 days after receiving a report that it investigates, a county ~~department~~ must determine by a preponderance of the evidence whether abuse or neglect has occurred or is likely to occur. If a county ~~department~~ determines that a specific person has abused or neglected a child, that person may appeal that determination under procedures promulgated by DCF by rule.

This bill requires DCF to establish a pilot program under which a county ~~department~~ may employ alternative responses to a report of ~~suspected or threatened~~ child abuse or neglect. Under the pilot program, ~~immediately after receiving such a report, a county department must, based on an evaluation of the report,~~ respond

to such a report  
as follows:

1. If the county ~~department~~ <sup>finds</sup> determines that there is <sup>stt</sup> reason to suspect <sup>stt</sup> that substantial abuse or neglect ~~has occurred or is likely to occur~~ or that an investigation of the report is otherwise necessary to ensure the safety of the child and his or her family, the county ~~department~~ must investigate the report as provided under current law. The bill defines "substantial abuse or neglect" as abuse or neglect or threatened



nwn

finds

skt

3. If the county ~~department determines that there is~~ <sup>finds</sup> no reason to suspect ~~that~~ <sup>skt</sup> abuse or neglect ~~has occurred or is likely to occur,~~ the county ~~department~~ must refer the child's family to a service provider in the community for the provision of appropriate services on a voluntary basis. If the county ~~department~~ employs the community services response, the county ~~department~~ is not required to conduct an assessment ~~under the bill and is not required as under current law to~~ <sup>skt</sup> refer the report to the sheriff or police department <sup>skt</sup> or determine by a preponderance of the evidence that abuse or neglect has occurred or is likely to occur or that a specific person has abused or neglected the child.

**\*\*\* ANALYSIS FROM -1579/3 \*\*\***

**~~HEALTH AND HUMAN SERVICES~~**

**CHILDREN**

Under current law, DCF administers the Child Abuse and Neglect Prevention Program under which DCF awards grants to no more than six rural counties, three urban counties, and two Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for Medical Assistance (MA). Current law requires DCF to determine the amount of a grant awarded to a county or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by MA in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the

reservations of all of the Indian tribes to which grants are awarded. Currently, a county or Indian tribe may use a grant to make payments totalling not more than \$1,000 per year for the appropriate expenses of a family participating in the program. A county, other than Milwaukee County, or an Indian tribe may also use a grant to provide case management services for a family participating in the program.

This bill makes all of the following changes to the Child Abuse and Neglect Prevention Program:

1. Eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.

2. Requires DCF to determine the amount of a grant in excess of the statutory minimum based on ~~need, as determined by a formula that DCF is required under the bill to promulgate by rule, and requires that formula to determine need based on~~ the number of births that are funded by MA in a county or a reservation of an Indian tribe, without regard to the number of those births in other counties and reservations, and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rate of those outcomes, in the county or reservation.

3. Provides that if a family with a child who is at risk of abuse or neglect has been continuously receiving home visitation ~~program~~ services for not less than 12

months, those services may continue to be provided until the child reaches three years of age, regardless of whether the child continues to be eligible for MA.

4. Permits Milwaukee County to use grant funds to provide case management services.

5. Eliminates the cap on the amount that a county or Indian tribe may pay per year for the ~~appropriate~~ expenses of a family participating in the program and instead requires a county or Indian tribe to pay not less than \$250 per year for those expenses.

6. Eliminates the authority of a county or Indian tribe that receives a grant to provide home visitation services to a person who is not eligible for participation in the program, but who is at risk for perpetrating child abuse or neglect.

7. Requires a county or Indian tribe that receives a grant to do all of the following:

a. Agree to match at least 25 percent of the grant amount in funds or in-kind contributions.

b. Offer voluntary home visitation services to all, not just first-time, pregnant women in the county or reservation of the Indian tribe who are eligible for MA and

to commence those services during the prenatal period.



c. Reinvest in the program a portion of the MA reimbursement received by the county or Indian tribe, ~~which amount shall be determined by negotiations between DCF and the county or Indian tribe.~~

d. Implement strategies, in collaboration with local prenatal care coordination providers, aimed at achieving healthy birth outcomes in the county or reservation of the Indian tribe.

Sub sub  
Child care

\*\*\* ANALYSIS FROM -1655/1 \*\*\*

~~HEALTH AND HUMAN SERVICES~~  
~~CHILDREN~~

licensed

~~Under current law, DCF may license a person to operate a day care center, and~~

licensed by DCF

a. ~~licensed~~ day care center may receive reimbursement under the Wisconsin Works (W-2) program for child care provided for a person who is eligible for a child care subsidy under that program. This bill requires DCF to provide a child care quality rating system for licensed day care centers that receive reimbursement under the W-2 program or that volunteer for rating under the system. The rating information must be made available, including on DCF's Internet site, to parents, guardians, and legal custodians of children who are recipients, or prospective recipients, of care and supervision from a day care center ~~that is rated under the system.~~ str y

\*\*\* ANALYSIS FROM -1389/1 \*\*\*

~~CHILDREN~~

Under current law, a child care provider, other than a day care center licensed by DCF or established or contracted by a school board, must be certified by a county ~~department of human services or social services~~ before the child care provider may receive reimbursement for child care ~~services~~ provided to a family <sup>person who</sup> that is eligible for a child care subsidy under the Wisconsin Works (W-2) program. This bill permits DCF to contract with a W-2 agency, child care resource and referral agency, or other agency to certify child care providers in a particular geographic area or for a particular Indian tribal unit for purposes of reimbursement under the W-2 program.

\*\*\* ANALYSIS FROM -1513/1 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~CHILDREN~~

Under current law, a day care center that provides care and supervision for nine or more children must pay a biennial license fee of \$30.25, plus \$10.33 per child based on licensed capacity. This bill raises the per child portion of that license fee to \$16.94.

\*\*\* ANALYSIS FROM -0238/3 \*\*\*

~~HEALTH AND HUMAN SERVICES~~

~~CHILDREN~~

Under current law, when a person applies for or receives kinship care ~~or~~ ~~long-term kinship care~~ payments for the care of a child, any right of the child or of the child's parent to support or maintenance from any other person, including any right to unpaid amounts accrued at the time of application for those payments or that

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aid (pre-assistance arrears), is assigned to the state. This bill, beginning on October 1, 2009, eliminates assignment to the state of any right of a child or parent to pre-assistance arrears. ~~Accordingly, under the bill, the only right to support or maintenance that is assigned to the state is the right to support or maintenance accruing during the time that those payments are made or that aid is paid.~~ The bill also provides that any right to pre-assistance arrears assigned to the state before <sup>that date</sup> ~~October 1, 2009,~~ shall be released to the person who assigned that right to the state.

**\*\*\* ANALYSIS FROM -1209/1 \*\*\***

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DHS, which administers the Medical Assistance (MA) program, may recover incorrect payments that were made for health care services under MA that resulted from a misstatement or omission of fact by a person supplying information in an application for benefits, from the failure of a person to report the receipt of income or assets in an amount that would have affected a recipient's eligibility for benefits, or from the failure of a person to report changes in a recipient's financial or nonfinancial situation or eligibility characteristics that would have affected the recipient's eligibility for benefits or his or her cost-sharing requirements. If DHS provides any medical assistance to a person as a result of an injury, for example, that was caused by a third party, DHS may recover from the third



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a notice of termination of state-registered domestic partnership; or 2) that he or she has been unable to locate the other domestic partner and has published a notice in a newspaper of general circulation in the county in which the latest common residence of the domestic partners is located. Upon receipt of a notice of termination, or a notice and an affidavit, the secretary issues a certificate of termination of state-registered domestic partnership to each domestic partner. The termination of the state-registered domestic partnership is effective 90 days after the notice is filed with the secretary. However, if one or both domestic partners enters into a marriage that is valid in the state, the state-registered domestic partnership is automatically terminated on the date of the marriage.

The secretary must prepare the forms to be used for the declaration of state-registered domestic partnership and notice of termination of state-registered domestic partnership and must distribute the forms to county clerks. The forms must be available at the secretary's office, at county clerks' offices, and on the Internet. The secretary must provide copies of all declarations and notices of termination that are filed with the secretary to the state registrar, who must maintain records of the copies. The secretary must also by rule set the fees that individuals must pay for filing declarations and notices of termination.

Under current law, if persons named as owners in a document of title or as transferees or buyers in an instrument of transfer are described as husband and wife or are in fact husband and wife, the owners, transferees, or buyers are joint tenants. The bill provides that domestic partners are also joint tenants if they are named as owners in a document of title or as transferees or buyers in an instrument of transfer.

Under current law, if the head of a department or independent agency in state government finds any arbitrary discrimination on the basis of marital status, the head is required to take remedial action. This bill requires a department or independent agency head to take remedial action if he or she finds any arbitrary discrimination on the basis of domestic partnership status.

## COMMERCE AND ECONOMIC DEVELOPMENT

### BUILDINGS AND SAFETY

Under current law, Commerce collects a supplemental title fee in connection with applications for the transfer of ownership of a manufactured home. This fee is waived for the transfer of a decedent's interest in a manufactured home to his or her surviving spouse. Also, under current law, with an exception, Commerce must transfer a decedent's interest in a manufactured home to his or her surviving spouse upon receipt of the title executed by the surviving spouse and a statement by the spouse that includes specified information.

Under this bill, a domestic partner is provided the same privileges as a surviving spouse for purposes of these manufactured home transfer provisions.

### EMPLOYMENT

ANALYSIS FROM -1308/1-2008

Under current worker's compensation law, when death results from an injury sustained by an employee while performing services growing out of and incidental to employment, the employee's dependents, including a spouse who is living with the employee at the time of death, are entitled to a death benefit. This bill extends death

- 3 -  
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benefits under the worker's compensation law to a domestic partner of a deceased employee who is living with the deceased employee at the time of death.

Under current law, an employee of an employer employing 50 or more individuals on a permanent basis may take up to six weeks of family leave in a 12-month period to care for a child, spouse, or parent of the employee, or the parent of the spouse of the employee, who has a serious health condition. This bill permits such an employee to take family leave to care for a domestic partner, or the parent of a domestic partner, who has a serious health condition.

Under current law, if an employee to whom wages are due dies, the employer must, upon demand, pay the wages to the spouse, children, or other dependent living with the employee at the time of death. ~~The employer may, before an application is filed for the administration of the deceased employee's estate, make that payment to the spouse, children, parents, or siblings of the deceased employee, giving preference in that order listed. Similarly, if an employee who is required to furnish a cash bond dies, the employer may, before an application is filed for the administration of the deceased employee's estate, withdraw the cash bond and turn it over to the spouse, children, parents, or siblings of the deceased employee, giving preference in that order listed.~~ This bill requires an employer of a deceased employee who was required to furnish a cash bond or to whom wages are due to turn over the cash bond or pay the wages to the domestic partner of the deceased employee.

Under current law, no employer, labor organization, employment agency, licensing agency, or other person may discriminate in employment ~~on the basis of~~ marital status, which is defined as the status of being married, single, divorced, separated, or widowed. This bill prohibits employment discrimination ~~on the basis of~~ domestic partnership status.

## RETIREMENT AND GROUP INSURANCE

The bill provides that domestic partners must be treated in the same manner as spouses with respect to all pension benefits provided to public employees who are covered under the Wisconsin Retirement System and all other benefits provided to state employees.

For purposes of these benefits, however, a "domestic partner" is defined as any individual who is in a relationship with any other individual that satisfies all of the following:

1. Each individual is at least 18 years old and otherwise competent to enter into a contract.
2. Neither individual is married to, or in a domestic partnership with, another individual.
3. The two individuals are not related by blood in any way that would prohibit marriage under current law.
4. The two individuals consider themselves to be members of each other's immediate family.
5. The two individuals agree to be responsible for each other's basic living expenses.

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of a decedent's interest in a vehicle to his or her surviving spouse. Also under current law, with an exception, DOT must transfer a decedent's interest in a vehicle to his or her surviving spouse upon receipt of the title executed by the surviving spouse and a statement by the spouse that includes specified information.

Under this bill, a domestic partner is provided the same privileges as a surviving spouse for purposes of these motor vehicle transfer provisions.

**NATURAL RESOURCES**

**OTHER NATURAL RESOURCES**

Under current law, with an exception, DNR must transfer a decedent's interest in a boat to his or her surviving spouse upon receipt of the title executed by the surviving spouse and an affidavit by the spouse that includes specified information.

Under this bill, a domestic partner is provided the same privileges as a surviving spouse for purposes of these boat transfer provisions.

**INSURANCE**

The bill authorizes fraternal benefit societies to provide insurance coverage to the domestic partners of fraternal members. Under current law, only members and their spouses and financially dependent children may be covered.

Under current law, no insurer may cancel or refuse to issue or renew an automobile insurance policy because of a person's marital status. This bill prohibits an insurer from cancelling or refusing to issue or renew such a policy on the basis of domestic partnership status.

\*\*\* ANALYSIS FROM -1308/1 \*\*\*

based on

**EDUCATION**  
**HIGHER EDUCATION**

WTCS based on

UW  
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Under current law, no student may be denied admission to, participation in, or the benefits of any service, program, course, or facility of the University of Wisconsin System or of the Technical College System because of the student's marital status. This bill prohibits such denial on the basis of a student's domestic partnership status.

**OCCUPATIONAL REGULATION**

Under current law, a mortgage broker, banker, or loan originator or a real estate broker, salesperson, or time-share salesperson may not treat a person unequally solely because of marital status. This bill prohibits these individuals from treating a person unequally solely because of domestic partnership status.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

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