

1           560.96 (3) (e) No business may be certified under this subsection on or after the  
2 effective date of this paragraph .... [LRB inserts date].

3           \*-1894/1.1\* SECTION 748. 704.35 of the statutes is created to read:

4           **704.35 Residential rental property in foreclosure. (1) DUTY OF LANDLORD**  
5 **TO PROVIDE NOTICE OF FORECLOSURE.** If a foreclosure action has been commenced  
6 against residential rental property, during the pendency of the action and before the  
7 expiration of the redemption period, the owner of the property shall notify any  
8 prospective tenant in writing of all of the following:

9           (a) That a foreclosure action has been commenced against the rental property.

10          (b) If judgment has been entered, the date on which the redemption period  
11 expires.

12          **(2) RENTAL AGREEMENT MUST VERIFY NOTICE OR IS VOIDABLE.** Any rental  
13 agreement entered into between the property owner and a tenant during the  
14 pendency of the foreclosure action and before the expiration of the redemption period  
15 shall include a separate written statement, signed by the tenant, that the owner has  
16 provided written notice as required under sub. (1). A rental agreement that does not  
17 include the statement signed by the tenant is voidable at the option of the tenant.

18          **(3) TENANT PROTECTIONS.** The protections under s. 846.35 apply to a residential  
19 tenant if a foreclosure action is or has been commenced against the real property  
20 containing the dwelling unit occupied by the tenant.

21          \*-1890/1.3\* SECTION 749. 799.40 (4) of the statutes is renumbered 799.40 (4)

22 (a).

23          \*-1890/1.4\* SECTION 750. 799.40 (4) (b) of the statutes is created to read:

1           799.40 (4) (b) The court shall stay the proceedings in a civil action of eviction  
2 against a foreclosed homeowner, as defined in s. 846.40 (1) (b), under the  
3 circumstances and as provided in s. 846.40 (9).

4           \***-1894/1.2\*** SECTION 751. 846.35 of the statutes is created to read:

5           **846.35 Protections for tenants in foreclosure actions. (1) NOTICES FROM**  
6 **PLAINTIFF.** (a) If residential rental property is the subject of a foreclosure action, the  
7 plaintiff shall provide the following notices at the following times to the tenants who  
8 are in possession of each rental unit when a notice is given:

9           1. No later than 5 days after the foreclosure action is filed, notice that the  
10 plaintiff has commenced a foreclosure action with respect to the rental property.

11           2. No later than 5 days after the judgment of foreclosure is entered, notice that  
12 the plaintiff has been granted a judgment of foreclosure with respect to the rental  
13 property and notice of the date on which the redemption period ends.

14           3. When the confirmation of sale hearing has been scheduled, notice of the date  
15 and time of the hearing.

16           (b) The notices under par. (a) may be given in any of the following ways:

17           1. By personal service as provided in s. 801.11 (1).

18           2. By certified mail with return receipt requested. Notice given under this  
19 subdivision is considered completed when it is mailed, unless the envelope enclosing  
20 the notice is returned unopened to the plaintiff. All notices mailed under this  
21 subdivision shall be mailed in envelopes upon which the plaintiff's, or the plaintiff's  
22 attorney's, return address appears, with a request to return to that address.

23           (c) If a plaintiff fails to provide a notice under par. (a) in accordance with pars.  
24 (a) and (b), the court shall award the tenant to whom the notice should have been

1 given \$250 in damages, plus reasonable attorney fees. A tenant may not recover  
2 under this paragraph for more than one notice violation.

3 (2) EXTENDED POSSESSION OF PREMISES; WITHHOLDING LAST MONTH'S RENT. (a)  
4 Notwithstanding ch. 704, all of the following apply to a tenant whose tenancy is  
5 terminated as a result of a foreclosure judgment and sale with respect to the rental  
6 property:

7 1. Subject to subd. 3., the tenant may retain possession of the tenant's rental  
8 unit for up to 2 months after the end of the month in which the sale of the property  
9 is confirmed.

10 2. The tenant may withhold rent in an amount equal to the security deposit  
11 during the last period the tenant actually retains possession of the rental unit,  
12 regardless of whether the tenant retains possession after the sale of the property is  
13 confirmed, as authorized under subd. 1.

14 3. The tenant's right to retain possession of the rental unit expires at the end  
15 of the month for which the tenant withholds rent, as authorized under subd. 2.

16 (b) Subject to par. (a) 2., a tenant who retains possession of the rental unit after  
17 the sale of the property is confirmed shall pay rent for the period during which the  
18 tenant retains possession at the same rate that applied immediately before the  
19 confirmation of the sale of the property.

20 (3) EXECUTION OF WRIT OF ASSISTANCE OR RESTITUTION. No writ of assistance or  
21 writ of restitution for the removal of a tenant whose tenancy is terminated as a result  
22 of a foreclosure judgment and sale may be executed before the end of the 2nd month  
23 beginning after the month in which the sale of the property is confirmed, unless the  
24 tenant has waived in writing the right under sub. (2) (a) 1. to retain possession of the  
25 rental unit.

1           (4) EXCLUSION OF INFORMATION FROM THE CONSOLIDATED COURT AUTOMATION  
2 PROGRAMS. No information in a civil action, including a writ of assistance, writ of  
3 restitution, or entry of judgment of eviction, concerning the removal of a tenant from  
4 residential rental property may be included in the consolidated court automation  
5 programs that are accessible to the public through the circuit court public access Web  
6 site if that removal is the result of a mortgage foreclosure of that residential rental  
7 property.

8           \*-1890/1.5\* SECTION 752. 846.40 of the statutes is created to read:

9           **846.40 Regulation of foreclosure reconveyances. (1) DEFINITIONS.** In this  
10 section:

11           (a) "Closing" means an in-person meeting to complete final documents incident  
12 to the sale of real property or the creation of a mortgage on real property that is  
13 conducted by a closing agent who is not employed by, an affiliate of, or employed by  
14 an affiliate of, any foreclosure purchaser involved in the closing, and who does not  
15 have a business or personal relationship with any foreclosure purchaser involved in  
16 the closing other than the provision of real estate settlement services.

17           (b) "Foreclosed homeowner" means an owner of a residence in foreclosure.

18           (c) "Foreclosure purchaser" means a person that has acted as the acquirer in  
19 a foreclosure reconveyance. "Foreclosure purchaser" also includes a person that has  
20 acted in joint venture or joint enterprise with one or more acquirers in a foreclosure  
21 reconveyance. "Foreclosure purchaser" does not include any of the following:

22           1. A natural person who shows that he or she is not in the business of  
23 foreclosure purchasing and who has a prior personal relationship with the foreclosed  
24 homeowner.

1           2. A federal or state chartered bank, savings bank, savings and loan  
2 association, or credit union.

3           (d) "Foreclosure reconveyance" means a transaction involving all of the  
4 following:

5           1. The transfer of title to real property by a foreclosed homeowner during a  
6 foreclosure proceeding, either by a transfer of interest from the foreclosed  
7 homeowner or by the creation of a mortgage or other lien or encumbrance during the  
8 foreclosure process.

9           2. The subsequent conveyance, or promise of a subsequent conveyance, of an  
10 interest back to the foreclosed homeowner by the acquirer or a person acting in  
11 participation with the acquirer that allows the foreclosed homeowner to possess  
12 either the residence in foreclosure or other real property, which interest includes an  
13 interest in a land contract, purchase agreement, option to purchase, or lease.

14           (e) "Primary housing expenses" means the sum of payments for regular  
15 principal, interest, rent, utilities, fire and casualty insurance, real estate taxes, and  
16 association dues.

17           (f) "Resale" means a bona fide market sale of the property subject to the  
18 foreclosure reconveyance by the foreclosure purchaser to an unaffiliated 3rd party.

19           (g) "Resale price" means the gross sale price of the property on resale.

20           (h) "Residence in foreclosure" means residential real property located in this  
21 state that consists of one to 4 family dwelling units and with respect to which real  
22 property there is a delinquency or default on any loan payment or debt secured by  
23 or attached to the residential real property, including land contract payments. The  
24 owner of the residential real property may, but is not required to, occupy the  
25 residential real property as the owner's principal place of residence.

1           **(2) CONTRACT REQUIREMENT; FORM AND LANGUAGE.** A foreclosure purchaser that  
2 enters into any foreclosure reconveyance shall do so by a written contract. Every  
3 contract must be written in letters of not less than 12-point boldface type, both in  
4 English and in the same language principally used by the foreclosure purchaser and  
5 foreclosed homeowner to negotiate the sale of the residence in foreclosure if other  
6 than English, and must be fully completed, signed, and dated by the foreclosed  
7 homeowner and foreclosure purchaser before the execution of any instrument of  
8 conveyance of the residence in foreclosure.

9           **(3) CONTRACT TERMS.** (a) Every contract required by sub. (2) must contain the  
10 entire agreement of the parties and must include all of the following terms:

11           1. The name, business address, and telephone number of the foreclosure  
12 purchaser.

13           2. The address of the residence in foreclosure.

14           3. The total consideration to be given by the foreclosure purchaser in connection  
15 with or incident to the sale.

16           4. A complete description of the terms of payment or other consideration,  
17 including any services of any nature that the foreclosure purchaser represents he or  
18 she will perform for the foreclosed homeowner before or after the sale.

19           5. The time at which possession is to be transferred to the foreclosure  
20 purchaser.

21           6. A complete description of the terms of any related agreement designed to  
22 allow the foreclosed homeowner to remain in possession of the home, such as a rental  
23 agreement, repurchase agreement, land contract, or lease with option to purchase.

24           7. The time for determining the fair market value of the property, as provided  
25 under sub. (8) (b) 2. b.

1           8. A notice of cancellation as provided in sub. (5) (b).

2           9. Immediately above the statement required by sub. (5) (a), in not less than  
3 14-point boldface type if the contract is printed or in capital letters if the contract  
4 is typed, and completed with the name of the foreclosure purchaser, the following  
5 notice:

6           NOTICE REQUIRED BY WISCONSIN LAW

7           Until your right to cancel this contract has ended, .... (Name of foreclosure  
8 purchaser) or anyone working for .... (Name of foreclosure purchaser) CANNOT ask  
9 you to sign or have you sign any deed or any other document.

10          (b) The contract required by this subsection survives delivery of any  
11 instrument of conveyance of the residence in foreclosure and has no effect on persons  
12 other than the parties to the contract.

13          (4) CONTRACT CANCELLATION. (a) In addition to any other right of rescission, the  
14 foreclosed homeowner has the right to cancel any contract with a foreclosure  
15 purchaser until midnight of the 5th business day following the day on which the  
16 foreclosed homeowner signs a contract that complies with subs. (2) to (6) or until 8:00  
17 a.m. on the last day of the period during which the foreclosed homeowner has a right  
18 of redemption, whichever occurs first.

19          (b) Cancellation occurs when the foreclosed homeowner delivers to the  
20 foreclosure purchaser, personally or by certified mail, a signed and dated written  
21 notice of cancellation. The contract and notice of cancellation form under sub. (5) (b)  
22 must contain a street or physical address to which notice of cancellation may be  
23 mailed by certified mail or personally delivered. A post office box may be designated  
24 for delivery by certified mail only if it is accompanied by a street or physical address  
25 at which the notice may be personally delivered. If the notice of cancellation is

1 personally delivered, the foreclosure purchaser must provide a receipt to the  
2 foreclosed homeowner. If cancellation is mailed by certified mail, delivery is effective  
3 when the notice of cancellation is deposited in the U.S. mail. If cancellation is  
4 personally delivered, delivery is effective when the notice of cancellation is handed  
5 to the foreclosure purchaser.

6 (c) A notice of cancellation given by the foreclosed homeowner need not take the  
7 particular form provided under sub. (5) (b).

8 (d) Within 10 days following receipt of a notice of cancellation given in  
9 accordance with this subsection, the foreclosure purchaser shall return without  
10 condition any original contract and any other documents signed by the foreclosed  
11 homeowner.

12 (5) NOTICE OF CANCELLATION. (a) 1. The contract must contain conspicuously  
13 and in immediate proximity to the space reserved for the foreclosed homeowner's  
14 signature, in not less than 14-point boldface type if the contract is printed or in  
15 capital letters if the contract is typed, the following statement: "You may cancel this  
16 contract for the sale of your house without any penalty or obligation at any time  
17 before .... (date and time of day). See the attached notice of cancellation form for an  
18 explanation of this right."

19 2. The foreclosure purchaser shall accurately enter the date and time of day on  
20 which the cancellation right ends.

21 (b) The contract must be accompanied by a completed form in duplicate,  
22 captioned "NOTICE OF CANCELLATION" in 12-point boldface type if the contract is  
23 printed or in capital letters if the contract is typed, followed by a space in which the  
24 foreclosure purchaser shall enter the date on which the foreclosed homeowner  
25 executes the contract. This form must be attached to the contract, must be easily

1 detachable, and must contain, in not less than 10-point type if the contract is printed  
2 or in capital letters if the contract is typed, the following statement:

3 NOTICE OF CANCELLATION

4 (Enter date contract signed)

5 1. You may cancel this contract for the sale of your house, without any penalty  
6 or obligation, at any time before .... (date and time of day).

7 2. To cancel this transaction, you may mail by certified mail or personally  
8 deliver a signed and dated copy of this notice of cancellation to .... (name of purchaser)  
9 at .... (street or physical address of purchaser's place of business) NOT LATER THAN  
10 .... (date and time of day). If you personally deliver this notice of cancellation, ...  
11 (name of purchaser) must give you a receipt.

12 3. I hereby cancel this transaction.

13 (Date) ....

14 (Seller's signature) ....

15 (c) The foreclosure purchaser shall provide the foreclosed homeowner with a  
16 copy of the contract and the attached notice of cancellation form at the time the  
17 contract is executed by all parties.

18 (d) The 5-day period under sub. (4) (a) during which the foreclosed homeowner  
19 may cancel the contract does not begin to run until all parties to the contract have  
20 executed the contract and the foreclosure purchaser has complied with this  
21 subsection.

22 (6) WAIVER. Any waiver of the provisions of this section is void and  
23 unenforceable as contrary to public policy, except that a foreclosed homeowner may  
24 waive the 5-day right to cancel under sub. (4) (a) if the property is subject to a  
25 foreclosure sale within the 5 business days and the foreclosed homeowner agrees to

1 waive his or her right to cancel in a handwritten statement signed by all parties  
2 holding title to the foreclosed property.

3 (7) LIABILITY. Any provision in a contract entered into on or after the effective  
4 date of this subsection ... [LRB inserts date], that attempts or purports to require  
5 arbitration of any dispute arising under this section is void at the option of the  
6 foreclosed homeowner.

7 (8) GENERAL PROHIBITIONS AND REQUIREMENTS. (a) A foreclosure purchaser may  
8 not enter into, or attempt to enter into, a foreclosure reconveyance with a foreclosed  
9 homeowner unless all of the following are satisfied:

10 1. The foreclosure purchaser verifies and can demonstrate that the foreclosed  
11 homeowner has a reasonable ability to pay for the subsequent conveyance of an  
12 interest back to the foreclosed homeowner. In the case of a lease with an option to  
13 purchase, payment ability also includes the reasonable ability to make the lease  
14 payments and purchase the property within the term of the option to purchase.  
15 There is a rebuttable presumption that a foreclosed homeowner is reasonably able  
16 to pay for the subsequent conveyance if the foreclosed homeowner's payments for  
17 primary housing expenses and regular principal and interest payments on other  
18 personal debt, on a monthly basis, do not exceed 60 percent of the foreclosed  
19 homeowner's monthly gross income. There is a rebuttable presumption that the  
20 foreclosure purchaser has not verified reasonable payment ability if the foreclosure  
21 purchaser has not obtained documents other than a statement by the foreclosed  
22 homeowner of assets, liabilities, and income.

23 2. The foreclosure purchaser and the foreclosed homeowner complete a closing  
24 for any foreclosure reconveyance in which the foreclosure purchaser obtains a deed  
25 or mortgage from a foreclosed homeowner.

1           3. The foreclosure purchaser obtains the written consent of the foreclosed  
2 homeowner to a grant by the foreclosure purchaser of any interest in the property  
3 during such times as the foreclosed homeowner maintains any interest in the  
4 property.

5           (b) A foreclosure purchaser shall do either of the following:

6           1. Ensure that title to the subject dwelling has been reconveyed to the  
7 foreclosed homeowner.

8           2. Make a payment to the foreclosed homeowner such that the foreclosed  
9 homeowner has received consideration in an amount of at least 82 percent of the fair  
10 market value of the property within 150 days after either the eviction of, or voluntary  
11 relinquishment of possession of the dwelling by, the foreclosed homeowner. The  
12 foreclosure purchaser shall make a detailed accounting of the basis for the payment  
13 amount, or a detailed accounting of the reasons for failure to make a payment,  
14 including providing written documentation of expenses, within this 150-day period.  
15 The accounting shall be on a form prescribed by the attorney general, in consultation  
16 with the secretary of agriculture, trade and consumer protection. For purposes of  
17 this subdivision, all of the following apply:

18           a. There is a rebuttable presumption that an appraisal by a person licensed or  
19 certified by an agency of the federal government or this state to appraise real estate  
20 constitutes the fair market value of the property.

21           b. The time for determining the fair market value amount shall be specified in  
22 the foreclosure reconveyance contract as either at the time of the execution of the  
23 foreclosure reconveyance contract or at resale. If the contract states that the fair  
24 market value shall be determined at the time of resale, the fair market value shall  
25 be the resale price if it is sold within 120 days after the eviction of, or voluntary

1 relinquishment of the property by, the foreclosed homeowner. If the contract states  
2 that the fair market value shall be determined at the time of resale, and the resale  
3 is not completed within 120 days after the eviction of, or voluntary relinquishment  
4 of the property by, the foreclosed homeowner, the fair market value shall be  
5 determined by an appraisal conducted during this 120-day period and payment, if  
6 required, shall be made to the foreclosed homeowner, but the fair market value shall  
7 be recalculated as the resale price on resale and an additional payment amount, if  
8 appropriate based on the resale price, shall be made to the foreclosed homeowner  
9 within 15 days after resale, and a detailed accounting of the basis for the payment  
10 amount, or a detailed accounting of the reasons for failure to make additional  
11 payment, shall be made within 15 days after resale, including providing written  
12 documentation of expenses. The accounting shall be on a form prescribed by the  
13 attorney general, in consultation with the secretary of agriculture, trade and  
14 consumer protection.

15 c. "Consideration" means any payment or thing of value provided to the  
16 foreclosed homeowner, including unpaid rent or land contract payments owed by the  
17 foreclosed homeowner prior to the date of eviction or voluntary relinquishment of the  
18 property, reasonable costs paid to 3rd parties necessary to complete the foreclosure  
19 reconveyance transaction, payment of money to satisfy a debt or legal obligation of  
20 the foreclosed homeowner, the reasonable cost of repairs for damage to the dwelling  
21 caused by the foreclosed homeowner, or a penalty imposed by a court for the filing  
22 of a frivolous claim in an eviction action under sub. (9). "Consideration" does not  
23 include amounts imputed as a down payment or fee to the foreclosure purchaser, or  
24 a person acting in participation with the foreclosure purchaser, incident to a land  
25 contract, lease, or option to purchase entered into as part of the foreclosure

1 reconveyance, except for reasonable costs paid to 3rd parties necessary to complete  
2 the foreclosure reconveyance.

3 (c) A foreclosure purchaser may not enter into repurchase or lease terms as part  
4 of the subsequent conveyance that are unfair or commercially unreasonable, or  
5 engage in any other unfair conduct.

6 (d) A foreclosure purchaser may not represent, directly or indirectly, any of the  
7 following:

8 1. That the foreclosure purchaser is acting as an advisor or consultant, or in any  
9 other manner represent that the foreclosure purchaser is acting on behalf of the  
10 foreclosed homeowner.

11 2. That the foreclosure purchaser has certification or licensure that the  
12 foreclosure purchaser does not have, or that the foreclosure purchaser is not a  
13 member of a licensed profession if that is untrue.

14 3. That the foreclosure purchaser is assisting the foreclosed homeowner to save  
15 the house, or a substantially similar phrase.

16 4. That the foreclosure purchaser is assisting the foreclosed homeowner in  
17 preventing a completed foreclosure if the result of the transaction is that the  
18 foreclosed homeowner will not complete a redemption of the property.

19 (e) A foreclosure purchaser may not make any other statements, directly or by  
20 implication, or engage in any other conduct that is false, deceptive, or misleading,  
21 or that has the likelihood to cause confusion or misunderstanding, including  
22 statements regarding the value of the residence in foreclosure, the amount of  
23 proceeds the foreclosed homeowner will receive after a foreclosure sale, any contract  
24 term, or the foreclosed homeowner's rights or obligations incident to or arising out  
25 of the foreclosure reconveyance.

1 (f) Until the time during which the foreclosed homeowner may cancel the  
2 transaction has fully elapsed, a foreclosure purchaser may not do any of the  
3 following:

4 1. Accept from the foreclosed homeowner an execution of, or induce the  
5 foreclosed homeowner to execute, any instrument of conveyance of any interest in the  
6 residence in foreclosure.

7 2. Record or file with the register of deeds any document, including any  
8 instrument of conveyance, signed by the foreclosed homeowner.

9 3. Transfer or encumber or purport to transfer or encumber any interest in the  
10 residence in foreclosure to any 3rd party, provided no grant of any interest or  
11 encumbrance is defeated or affected as against a bona fide purchaser or  
12 encumbrance for value and without notice of a violation of this subdivision.  
13 Knowledge on the part of any such person or entity that the property was residential  
14 real property in foreclosure does not constitute notice of a violation of this  
15 subdivision. This subdivision does not abrogate any duty of inquiry that exists as to  
16 rights or interests of persons in possession of the residence in foreclosure.

17 4. Pay the foreclosed homeowner any consideration.

18 (g) If a foreclosure purchaser extends credit to, or arranges for credit to be  
19 extended to, the foreclosed homeowner, the foreclosure purchaser or other person  
20 with whom the foreclosure purchaser has arranged for the extension of credit shall  
21 comply with all requirements specified in Regulation Z under the federal Truth in  
22 Lending Act, 12 CFR 226, that apply to a creditor, as defined in 12 CFR 226.2 (a) (17)  
23 (i), in a residential mortgage transaction, as defined in 12 CFR 226.2 (24), regardless  
24 of whether the foreclosure purchaser or other person extending credit actually meets  
25 the definition of a creditor under 12 CFR 226.2 (a) (17) (i).

1           **(9) STAY OF PROCEEDINGS IN EVICTION ACTIONS.** (a) A court hearing an eviction  
2 action against a foreclosed homeowner shall stay the proceedings, without the  
3 imposition of a bond, if a defendant makes a prima facie showing of all of the  
4 following:

5           1. That any of the following applies to the defendant:

6           a. The defendant has commenced an action concerning a foreclosure  
7 reconveyance with respect to the property that is the subject of the eviction action.

8           b. The defendant asserts, in connection with a foreclosure reconveyance, any  
9 violation of this section or a claim or affirmative defense of fraud, false pretense, false  
10 promise, misrepresentation, misleading statement, or deceptive practice.

11           2. That the defendant owned the foreclosed residence.

12           3. That the defendant conveyed title to the foreclosed residence to a 3rd party  
13 upon a promise that the defendant would be allowed to occupy the foreclosed  
14 residence or other real property in which the foreclosure purchaser or a person acting  
15 in participation with the foreclosure purchaser has an interest and that the  
16 foreclosed residence or other real property would be the subject of a foreclosure  
17 reconveyance.

18           4. That since the conveyance to the 3rd party, the defendant has continuously  
19 occupied the foreclosed residence or other real property in which the foreclosure  
20 purchaser or a person acting in participation with the foreclosure purchaser has an  
21 interest.

22           (b) For purposes of par. (a), notarized affidavits are acceptable means of proof  
23 for meeting the defendant's burden of proof. A defendant may request, and upon a  
24 showing of good cause the court may grant, up to an additional 2 weeks to produce  
25 evidence to make the prima facie showing required under par. (a).

1 (c) The stay under this subsection shall remain in effect for 90 days if the  
2 defendant has not yet commenced and does not commence, within 90 days from the  
3 issuance of the stay, an action in connection with a foreclosure reconveyance  
4 transaction. If the defendant has commenced, or commences within 90 days from the  
5 issuance of the stay, an action in connection with a foreclosure reconveyance  
6 transaction, the stay shall remain in effect until the court hearing the action related  
7 to the foreclosure reconveyance renders a final decision in the matter.

8 **(10) ENFORCEMENT.** (a) A violation of this section shall be considered a fraud.

9 (b) A foreclosed homeowner against whom a violation of this section is  
10 committed may bring an action for damages.

11 (c) A court may order punitive damages under s. 895.043 for a violation of this  
12 section.

13 (d) 1. A foreclosure purchaser who violates this section by engaging in any  
14 practice that would operate as a fraud or deceit upon a foreclosed homeowner may  
15 be fined not more than \$50,000 or imprisoned for not more than one year in the  
16 county jail or both.

17 2. In the absence of additional misconduct, a failure of the parties to complete  
18 a foreclosure reconveyance transaction shall not subject a foreclosure purchaser to  
19 the criminal penalties under subd. 1.

20 **\*-1890/1.6\* SECTION 753.** 846.45 of the statutes is created to read:

21 **846.45 Regulation of foreclosure consultants.** (1) DEFINITIONS. In this  
22 section, unless the context requires otherwise:

23 (a) "Contract" means an agreement, or any term in an agreement, between a  
24 foreclosure consultant and a foreclosed homeowner for the rendition of any service.

25 (b) "Foreclosed homeowner" has the meaning given in s. 846.40 (1) (b).

1           (c) 1. Except as provided in subd. 2., "foreclosure consultant" means a person  
2 who, directly or indirectly, makes a solicitation, representation, or offer to a  
3 foreclosed homeowner to perform for compensation, or who for compensation  
4 performs, any service that the person in any manner represents will in any manner  
5 do any of the following:

6           a. Stop or postpone the foreclosure sale.

7           b. Obtain any forbearance from a beneficiary or mortgagee.

8           c. Obtain a waiver of an acceleration clause contained in a promissory note or  
9 contract secured by a mortgage on the residence in foreclosure or contained in the  
10 mortgage.

11           d. Assist the foreclosed homeowner to obtain a loan or advance of funds.

12           e. Avoid or ameliorate the impairment of the foreclosed homeowner's credit  
13 resulting from the recording of a lis pendens or the conduct of a foreclosure sale.

14           f. Save the residence in foreclosure from foreclosure.

15           2. "Foreclosure consultant" does not include any of the following:

16           a. A person licensed to practice law in this state when the person renders  
17 service in the course of his or her practice as an attorney at law.

18           b. A person licensed as a real estate broker or salesperson under ch. 452 when  
19 the person engages in acts for which licensure under that chapter is required, unless  
20 the person is engaged in offering services designed to, or purportedly designed to,  
21 enable the foreclosed homeowner to retain possession of the residence in foreclosure.

22           c. A person certified or licensed to practice as a certified public accountant  
23 under ch. 442 when the person is acting in any capacity for which the person is  
24 certified or licensed under that chapter.

1 d. A person, or the person's authorized agent, acting under the express  
2 authority or written approval of the department of housing and urban development  
3 or other department or agency of the United States or this state to provide services.

4 e. A person who holds or is owed an obligation secured by a lien on any residence  
5 in foreclosure when the person performs services in connection with this obligation  
6 or lien if the obligation or lien did not arise as the result of or as part of a proposed  
7 foreclosure reconveyance.

8 f. A person or entity doing business under any law of this state, or of the United  
9 States, relating to a financial institution, as defined in s. 214.01 (1) (jn), to a lender  
10 licensed under s. 138.09, to an insurance company, or to a mortgagee that is a United  
11 States department of housing and urban development approved mortgagee; a  
12 subsidiary or affiliate of any of these persons or entities; or an agent or employee of  
13 any of these persons or entities while engaged in the business of these persons or  
14 entities.

15 g. A person registered under s. 224.72 as a mortgage banker, loan originator,  
16 or mortgage broker, when acting under the authority of that registration.

17 h. A judgment creditor of the foreclosed homeowner, to the extent that the  
18 judgment creditor's claim accrued prior to the recording of the lis pendens in the  
19 foreclosure action.

20 i. A foreclosure purchaser.

21 j. An adjustment service company licensed under s. 218.02, but only when  
22 engaged in business unrelated to real estate.

23 (d) "Foreclosure purchaser" has the meaning given in s. 846.40 (1) (c).

24 (e) "Foreclosure reconveyance" has the meaning given in s. 846.40 (1) (d).

1 (f) "Person" means any individual, partnership, corporation, limited liability  
2 company, association, or other group, however organized.

3 (g) "Residence in foreclosure" has the meaning given in s. 846.40 (1) (h).

4 (h) "Service" includes any of the following:

5 1. Debt, budget, or financial counseling of any type.

6 2. Receiving money for the purpose of distributing it to creditors in payment  
7 or partial payment of any obligation secured by a lien on a residence in foreclosure.

8 3. Contacting creditors on behalf of a foreclosed homeowner.

9 4. Arranging or attempting to arrange for a delay or postponement of the time  
10 of sale of the residence in foreclosure.

11 5. Advising the filing of any document, or assisting in any manner in the  
12 preparation of any document for filing, with a bankruptcy court.

13 6. Giving any advice, explanation, or instruction to a foreclosed homeowner  
14 that in any manner relates to curing a default in or reinstating an obligation secured  
15 by a lien on the residence in foreclosure, the full satisfaction of that obligation, or the  
16 postponement or avoidance of a sale of a residence in foreclosure, under a power of  
17 sale contained in any mortgage.

18 **(2) CANCELLATION OF FORECLOSURE CONSULTANT CONTRACT.** (a) In addition to any  
19 other right under law to rescind a contract, a foreclosed homeowner has the right to  
20 cancel a contract until midnight of the 3rd business day after the day on which the  
21 foreclosed homeowner signs a contract that complies with sub. (3).

22 (b) 1. Cancellation occurs when the foreclosed homeowner delivers, personally  
23 or by certified mail, written notice of cancellation to the foreclosure consultant at the  
24 foreclosure consultant's address specified in the contract.

1           2. If notice of cancellation is given by certified mail, cancellation is effective  
2 when the notice is deposited in the U.S. mail, properly addressed with postage  
3 prepaid. If notice of cancellation is personally delivered, the foreclosure consultant  
4 must give the foreclosed homeowner a receipt. Cancellation, if personally delivered,  
5 is effective when the foreclosed homeowner hands the notice to the foreclosure  
6 consultant.

7           (c) Notice of cancellation given by the foreclosed homeowner need not take the  
8 particular form provided with the contract under sub. (3) (e). However expressed,  
9 notice is effective if it indicates the intention of the foreclosed homeowner not to be  
10 bound by the contract.

11           **(3) CONTRACT.** (a) Every contract must be in writing and must fully disclose  
12 the exact nature of the foreclosure consultant's services and the total amount and  
13 terms of compensation.

14           (b) The following notice, printed in not less than 14-point boldface type and  
15 completed with the name of the foreclosure consultant, must be printed immediately  
16 above the statement required by par. (c):

17           NOTICE REQUIRED BY WISCONSIN LAW

18           .... (name of foreclosure consultant) or anyone working for him or her CANNOT  
19 do any of the following:

20           1. Take any money from you or ask you for money until .... (name of foreclosure  
21 consultant) has completely finished doing everything he or she said he or she would  
22 do.

23           2. Ask you to sign or have you sign any lien, mortgage, or deed.

24           (c) The contract must be written both in English and in the same language as  
25 principally used by the foreclosure consultant to describe his or her services or to

1 negotiate the contract if other than English, must be dated and signed by the  
2 foreclosed homeowner, and must contain in immediate proximity to the space  
3 reserved for the foreclosed homeowner's signature, in not less than 10-point boldface  
4 type, the following statement: "You, the owner, may cancel this transaction at any  
5 time prior to midnight of the 3rd business day after the date of this transaction. See  
6 the attached notice of cancellation form for an explanation of this right."

7 (d) The notice of cancellation form under par. (e) must contain, and the contract  
8 must contain on the first page, in a type size that is no smaller than that generally  
9 used in the body of the document, both of the following:

10 1. The name and street or physical address of the foreclosure consultant to  
11 which the notice of cancellation is to be mailed by certified mail or personally  
12 delivered. A post office box does not constitute a physical address. A post office box  
13 may be designated for delivery by certified mail only if it is accompanied by a street  
14 or physical address at which the notice may be personally delivered.

15 2. The date the foreclosed homeowner signed the contract.

16 (e) The contract must be accompanied by a completed form in duplicate,  
17 captioned "NOTICE OF CANCELLATION." This form must be attached to the contract,  
18 must be easily detachable, and must contain, in not less than 10-point type and  
19 written in the same language or languages as used in the contract, the following  
20 statement:

21 NOTICE OF CANCELLATION

22 (Enter date of transaction)

23 1. You may cancel this transaction, without any penalty or obligation, within  
24 3 business days from the above date.

1           2. To cancel this transaction, you may either mail by certified mail or personally  
2 deliver a signed and dated copy of this notice of cancellation, or any other written  
3 notice of cancellation, to .... (name of foreclosure consultant) at .... (street or physical  
4 address of foreclosure consultant's place of business) NOT LATER THAN  
5 MIDNIGHT OF .... (date). If you personally deliver a notice of cancellation, .... (name  
6 of foreclosure consultant) must give you a receipt.

7           3. I hereby cancel this transaction.

8           (Date) ....

9           (Owner's signature) ....

10          (f) The foreclosure consultant shall provide the foreclosed homeowner with a  
11 copy of the contract and the attached notice of cancellation immediately upon  
12 execution of the contract.

13          (g) The 3 business days during which the foreclosed homeowner may cancel the  
14 contract shall not begin to run until the foreclosure consultant has complied with this  
15 subsection.

16          (4) VIOLATIONS. It is a violation of this section for a foreclosure consultant to  
17 do any of the following:

18          (a) Claim, demand, charge, collect, or receive any compensation until after the  
19 foreclosure consultant has fully performed each and every service the foreclosure  
20 consultant contracted to perform or represented that he or she would perform.

21          (b) Claim, demand, charge, collect, or receive any fee, interest, or any other  
22 compensation for any reason that exceeds 8 percent per year of the amount of any  
23 loan that the foreclosure consultant may make to the foreclosed homeowner. Any  
24 loan may not, as provided in par. (c), be secured by the residence in foreclosure or any  
25 other real or personal property.

1 (c) Take a wage assignment, a lien of any type on real or personal property, or  
2 any other security to secure the payment of compensation. Any security taken to  
3 secure the payment of compensation is void and unenforceable.

4 (d) Receive any consideration from any 3rd party in connection with services  
5 rendered to a foreclosed homeowner unless the consideration is first fully disclosed  
6 to the foreclosed homeowner.

7 (e) Acquire any interest, directly or indirectly or by means of a subsidiary or  
8 affiliate, in a residence in foreclosure from a foreclosed homeowner with whom the  
9 foreclosure consultant has contracted.

10 (f) Except as otherwise provided by law, take any power of attorney from a  
11 foreclosed homeowner for any purpose.

12 (g) Induce or attempt to induce any foreclosed homeowner to enter into a  
13 contract that does not comply in all respects with subs. (2) and (3).

14 (h) Fail to give a receipt to a foreclosed homeowner if the foreclosed homeowner  
15 personally delivers timely written notice of cancellation of a contract under sub. (2)  
16 (b).

17 **(5) WAIVER NOT ALLOWED.** Any waiver by a foreclosed homeowner of this section  
18 or of a foreclosed homeowner's rights under this section is void and unenforceable as  
19 contrary to public policy. Any attempt by a foreclosure consultant to induce a  
20 foreclosed homeowner to waive the foreclosed homeowner's rights is a violation of  
21 this section.

22 **(6) PENALTIES AND REMEDIES.** (a) The department of agricultural, trade and  
23 consumer protection may investigate violations of this section under ss. 93.14 and  
24 93.15.

1 (b) Any person suffering a pecuniary loss because of a violation of this section  
2 may commence an action against the violator. If the court determines that the person  
3 suffered a pecuniary loss because of the violation, the court shall award the person  
4 twice the amount of the pecuniary loss or \$200, whichever is greater, for each  
5 violation, together with costs and, notwithstanding s. 814.04 (1), reasonable attorney  
6 fees.

7 (c) The department of agricultural, trade and consumer protection may  
8 commence an action to restrain a violation of this section. In addition to providing  
9 any equitable relief, the court may award any person who suffered a pecuniary loss  
10 because of the violation twice the amount of the pecuniary loss or \$200, whichever  
11 is greater, for each violation.

12 (d) The department of agricultural, trade and consumer protection or the  
13 district attorney may commence an action to recover a forfeiture of not less than \$100  
14 nor more than \$10,000 for a violation of this section.

15 (e) Whoever violates this section may be fined not less than \$25 nor more than  
16 \$10,000 or imprisoned for not more than one year in the county jail, or both.

17 **(7) CONTRACT PROVISION FOR ARBITRATION VOIDABLE.** Any provision in a contract  
18 entered into on or after the effective date of this subsection .... [LRB inserts date],  
19 that attempts or purports to require arbitration of any dispute arising under this  
20 section is voidable at the option of the foreclosed homeowner.

21 **(8) STATUTORY CONFLICTS RELATED TO ADJUSTMENT SERVICE COMPANIES.** To the  
22 extent that any provision of this section is inconsistent with s. 218.02 with respect  
23 to a foreclosure consultant that is licensed under s. 218.02 and engages in  
24 adjustment service company business related to real estate, the provisions of this  
25 section shall supersede any conflicting provision of s. 218.02.

1           **\*-1896/1.183\* SECTION 754.** 943.62 (2m) of the statutes is amended to read:

2           943.62 (2m) This section does not apply to a savings and loan association,  
3           credit union, bank, savings bank, or a mortgage banker, mortgage loan originator,  
4           or mortgage broker ~~registered~~ licensed under s. 224.72 or 224.725.

5           **\*-1638/7.1\* SECTION 755.** 2007 Wisconsin Act 20, section 9201 (1c) (a) is  
6           amended to read:

7           [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001  
8           (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary  
9           of administration shall lapse to the general fund or transfer to the general fund from  
10          the unencumbered balances of state operations appropriations to executive branch  
11          state agencies, other than sum sufficient appropriations and appropriations of  
12          federal revenues, an amount equal to \$200,000,000 during the 2007-09 fiscal  
13          biennium and ~~\$200,000,000 during the 2009-11 fiscal biennium~~. This paragraph  
14          shall not apply to appropriations to the Board of Regents of the University of  
15          Wisconsin System and to the technical college system board.

16          **\*-1638/7.2\* SECTION 756.** 2007 Wisconsin Act 20, section 9201 (1c) (b) is  
17          amended to read:

18          [2007 Wisconsin Act 20] Section 9201 (1c) (b) Notwithstanding section 20.001  
19          (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of  
20          administration shall lapse to the general fund or transfer to the general fund from  
21          the unencumbered balances of appropriations to the Board of Regents of the  
22          University of Wisconsin System, other than sum sufficient appropriations and  
23          appropriations of federal revenues, an amount equal to \$25,000,000 during the  
24          2007-09 fiscal biennium and ~~\$25,000,000 during the 2009-11 fiscal biennium~~ from  
25          moneys allocated for University of Wisconsin System and campus administration.

1           \***-1638/7.3\*** SECTION 757. 2007 Wisconsin Act 20, section 9201 (1c) (c) is  
2 amended to read:

3           [2007 Wisconsin Act 20] Section 9201 (1c) (c) Notwithstanding section 20.001  
4 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of  
5 administration shall lapse to the general fund or transfer to the general fund from  
6 the unencumbered balances of appropriations to the technical college system board,  
7 other than sum sufficient appropriations and appropriations of federal revenues, an  
8 amount equal to \$1,000,000 during the 2007-09 fiscal biennium and \$1,000,000  
9 during the 2009-11 fiscal biennium.

10           **SECTION 9110. Nonstatutory provisions; Commerce.**

11           \***-1885/P2.9110\*** (1) TENANT RESOURCE CENTER GRANT. In fiscal year 2008-09,  
12 the department of commerce shall award to the Tenant Resource Center in Madison  
13 from the appropriation under section 20.143 (2) (b) of the statutes, as affected by this  
14 act, a grant not to exceed \$200,000, for providing foreclosure education and  
15 assistance to tenants.

16           \***-1888/P1.9110\*** (2) WISCONSIN REGIONAL TRAINING PARTNERSHIP/BUILDING  
17 INDUSTRY GROUP SKILLED TRADES EMPLOYMENT PROGRAM. In fiscal year 2008-09, from  
18 the appropriation account under section 20.143 (1) (c) of the statutes, as affected by  
19 this act, the department of commerce shall award \$1,000,000 in grant moneys to  
20 expand the Wisconsin Regional Training Partnership/Building Industry Group  
21 Skilled Trades Employment Program if, as a condition of receiving the award, the  
22 Wisconsin Regional Training Partnership/Building Industry Group Skilled Trades  
23 Employment Program enters into a contract with the department that specifies  
24 permissible uses of the grant moneys and that requires the Wisconsin Regional  
25 Training Partnership/Building Industry Group Skilled Trades Employment

1 Program to comply with the reporting and accountability measures established by  
2 the department by rule under section 560.01 (2) (ae) 3., 6., and 7. of the statutes.

3 (3) GRANTS TO ORGANIZATIONS IN SPECIFIC BUILDING TRADES FOR GREEN JOB TRAINING  
4 AND RETRAINING. (a) *Grants*. Subject to paragraph (b), in fiscal year 2008-09, from  
5 the appropriation account under section 20.143 (1) (c) of the statutes, as affected by  
6 this act, the department of commerce shall distribute all of the following grants:

7 1. Painters and Allied Trades, District Council 7; Leadership in Energy and  
8 Efficiency Design certification. A grant of \$150,000 to Painters and Allied Trades,  
9 District Council 7, to train workers in the construction industry on the Leadership  
10 in Energy and Efficiency Design certification process so that the workers will  
11 understand green building practices, principles, and certification requirements and  
12 be qualified to bid on green building projects.

13 2. Painters and Allied Trades, District Council 7; National Association of  
14 Corrosion Engineers, International, and the Society for Protective Coatings  
15 certification. A grant of \$175,000 to Painters and Allied Trades, District Council 7,  
16 to certify individuals to provide instruction to workers in the construction industry  
17 on standards established by the National Association of Corrosion Engineers,  
18 International, and by the Society for Protective Coatings.

19 3. Wisconsin State Council of Carpenters; alternative energy systems  
20 installation. A grant of \$175,000 to the Wisconsin State Council of Carpenters to  
21 train carpenters in the installation of windmills and other alternative energy  
22 systems.

23 4. Wisconsin State Council of Carpenters; sustainable green building practices.  
24 A grant of \$72,000 to the Wisconsin State Council of Carpenters to train carpenters  
25 in sustainable green building practices.

1           5. Wisconsin Pipe Trades Association, Local 75; mobile worker training facility.

2           A grant of \$248,000 to the Wisconsin Pipe Trades Association, Local 75, to build,  
3           using green building practices, a mobile training facility to be used in connection  
4           with training programs for workers in the pipe trades. Training programs shall be  
5           provided across the state and on new building codes, environmentally sound  
6           construction practices, and new initiatives for green construction.

7           6. Wisconsin Laborers' District Council. A grant of \$265,000 to the Wisconsin  
8           Laborers' District Council.

9           7. Wisconsin Operating Engineers; geothermal energy and wind energy  
10          technologies. A grant of \$275,000 to the Wisconsin Operating Engineers to train  
11          workers in the construction of geothermal energy and wind energy systems.

12          8. International Brotherhood of Electrical Workers; solar electricity  
13          installation. A grant of \$210,000 to the International Brotherhood of Electrical  
14          Workers to purchase equipment for three laboratories to be established in the state  
15          for training workers in the installation of solar electricity systems.

16          9. International Brotherhood of Electrical Workers; solar electricity  
17          installation. A grant of \$60,000 to the International Brotherhood of Electrical  
18          Workers for instructor training and start-up costs in connection with the  
19          laboratories described in subdivision 8.

20               (b) *Conditions for receiving a grant.* The department of commerce may not  
21          award a grant to an organization under this subsection unless the organization, as  
22          a condition of receiving the grant moneys, enters into a contract with the department  
23          that specifies permissible uses of the grant moneys and that requires the  
24          organization to comply with the reporting and accountability measures established  
25          by the department by rule under section 560.01 (2) (ae) 3., 6., and 7. of the statutes.

1           **\*-1942/P1.9110\*** (4) DEVELOPMENT ZONE TAX BENEFIT CONSOLIDATION;  
2 EMERGENCY RULES. The department of commerce may use the procedure under  
3 section 227.24 of the statutes to promulgate rules under section 560.706 (2) of the  
4 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the  
5 statutes, emergency rules promulgated under this subsection remain in effect until  
6 July 1, 2010, or the date on which permanent rules take effect, whichever is sooner.  
7 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not  
8 required to provide evidence that promulgating a rule under this subsection as an  
9 emergency rule is necessary for the preservation of the public peace, health, safety,  
10 or welfare and is not required to provide a finding of emergency for a rule  
11 promulgated under this subsection.

12           (5) DEVELOPMENT ZONE TAX BENEFIT CONSOLIDATION; ECONOMIC IMPACT REPORT.  
13 Notwithstanding sections 227.137 (2) and 227.138 (2) of the statutes, if the secretary  
14 of administration requires the department of commerce to prepare an economic  
15 impact report for the rules required under section 560.706 (2) of the statutes, as  
16 created by this act, the department may submit the proposed rules to the legislature  
17 for review under section 227.19 (2) of the statutes before the department completes  
18 the economic impact report and before the department receives a copy of the report  
19 and approval under section 227.138 (2) of the statutes.

20           **\*-1896/1.9117\*** **SECTION 9117. Nonstatutory provisions; Financial**  
21 **Institutions.**

22           (1) MORTGAGE LOAN ORIGINATORS, MORTGAGE BROKERS, AND MORTGAGE BANKERS.

23           (a) In this subsection, "division" means the division of banking in the  
24 department of financial institutions.

**SECTION 9117**

1 (b) Notwithstanding any other provision of subchapter III of chapter 224 of the  
2 statutes, as affected by this act, the division shall, by rule, institute any system of  
3 initial license issuance or license renewal that it deems advisable for the purpose of  
4 implementing an orderly and efficient transition from the registration system under  
5 subchapter III of chapter 224, 2007 stats., to the license system under subchapter III  
6 of chapter 224 of the statutes, as affected by this act. A transition system adopted  
7 under this paragraph may include the requirement that registrants under section  
8 224.72, 2007 stats., apply for a license under section 224.72 of the statutes, as  
9 affected by this act, or under section 224.725 of the statutes, as created by this act,  
10 and pay any applicable fees, before the scheduled expiration of the registration  
11 period under section 224.72, 2007 stats. A transition system adopted under this  
12 paragraph may also provide for the initial issuance of licenses under section 224.72  
13 of the statutes, as affected by this act, and under section 224.725 of the statutes, as  
14 created by this act, that are valid for an initial period that is greater or less than the  
15 ordinary valid period of such licenses. If a transition system adopted under this  
16 paragraph results in a shorter registration or license period than that which would  
17 ordinarily be applicable, the division shall prorate or rebate fees corresponding to the  
18 unused or unexpired portion of the ordinarily applicable registration or license  
19 period. For previously registered or licensed individuals the division may establish  
20 under the transition system expedited review and licensing procedures.

21 (c) The division shall submit in proposed form the rules required under  
22 paragraph (b) to the legislative council staff under section 227.15 (1) of the statutes  
23 no later than 60 days after the effective date of this paragraph.

24 (d) Using the emergency rules procedure under section 227.24 of the statutes,  
25 the division shall promulgate the rules required under paragraph (b) for the period

1 before the effective date of the rules submitted under paragraph (c). The division  
2 shall promulgate these emergency rules no later than 60 days after the effective date  
3 of this paragraph. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,  
4 these emergency rules may remain in effect until July 1, 2011, or the date on which  
5 permanent rules take effect, whichever is sooner. Notwithstanding section 227.24  
6 (1) (a) and (3) of the statutes, the division is not required to provide evidence that  
7 promulgating a rule under this paragraph as an emergency rule is necessary for the  
8 preservation of the public peace, health, safety, or welfare and is not required to  
9 provide a finding of emergency for a rule promulgated under this paragraph.

10 **SECTION 9122. Nonstatutory provisions; Health Services.**

11 **\*-1152/P8.9122\*** (1) HOSPITAL ASSESSMENT.

12 (a) *Assessment payment deadlines.* Notwithstanding section 50.38 (4) of the  
13 statutes, as created by this act, hospitals shall pay the assessment for state fiscal  
14 year 2008-09 that is required under section 50.38 (2) of the statutes, as created by  
15 this act, in 2 equal amounts. Hospitals shall make the first payment by March 31,  
16 2009, or 10 days after the effective date of this paragraph, whichever is later.  
17 Hospitals shall make the 2nd payment by June 30, 2009. At the discretion of the  
18 department of health services, a hospital that is unable timely to make a payment  
19 by a date specified under this paragraph may be allowed to make a delayed payment.  
20 A determination by the department that a hospital may not make a delayed payment  
21 under this paragraph is final and is not subject to review under chapter 227 of the  
22 statutes.

23 (b) *Medical Assistance fee-for-service schedule used as basis for managed care*  
24 *reimbursement.* The department of health services shall present the inpatient and  
25 outpatient hospital diagnosis related groupings rate and weight schedules

1 established by the department for state fiscal year 2007-08 to health maintenance  
2 organizations and hospitals as the applicable schedule for reimbursement rates  
3 under agreements between health maintenance organizations and hospitals that  
4 reference the fee-for-services schedule to establish the rates that health  
5 maintenance organizations shall reimburse hospitals for services provided to  
6 recipients of the Medical Assistance Program under subchapter IV of chapter 49 of  
7 the statutes in state fiscal year 2008-09.

8 (c) *Reconciliation of 2008-09 expenses.* 1. Notwithstanding the deadline under  
9 section 50.38 (6) (b) of the statutes, as created by this act, for state fiscal year  
10 2008-09, the department shall make the refunds required under section 50.38 (6) (b),  
11 by December 31, 2009.

12 2. Notwithstanding section 20.001 (3) (a) of the statutes, the unencumbered  
13 balance in the appropriation under section 20.435 (4) (xc) of the statutes does not  
14 revert to the hospital assessment fund at the end of state fiscal year 2008-09; and  
15 the department of health services may expend in state fiscal year 2009-10 this  
16 amount in addition to the amounts in the schedule under section 20.005 (3) of the  
17 statutes for the appropriation under section 20.435 (4) (xc) of the statutes for state  
18 fiscal year 2009-10.

19 (d) *Independent rural hospital supplement.* In state fiscal year 2008-09, from  
20 the appropriation account under section 20.435 (4) (b) and (o) of the statutes, the  
21 department of health services shall pay independent, rural, hospitals that are in  
22 counties that border another state and that are not critical access hospitals one of the  
23 following amounts:

1           1. If the percentage of the hospital's gross patient revenue that is attributable  
2 to the Medical Assistance Program under subchapter IV of chapter 49 of the statutes  
3 is less than 7 percent, \$250,000.

4           2. If the percentage of the hospital's gross patient revenue that is attributable  
5 to the Medical Assistance Program under subchapter IV of chapter 49 of the statutes  
6 is equal to or greater than 7 percent, \$500,000.

7           (e) *Budgeting practices.* This act does not affect any requirements under  
8 section 16.46 of the statutes. The departments of administration and health services  
9 shall review, reestimate, and request general purpose revenue for hospital payments  
10 under the Medical Assistance Program under subchapter IV of chapter 49 of the  
11 statutes as needed.

12           **\*-2006/1.9122\*** (2) FEDERAL MEDICAL ASSISTANCE PERCENTAGES. If permitted  
13 under federal law, and notwithstanding section 49.45 (25), (30), (30e), (39) (b), (41),  
14 and (45) of the statutes, for Medical Assistance services under section 49.45 (25),  
15 (30), (30e), (39) (b), (41), and (45) of the statutes, for which the department of health  
16 services disburses to the provider the federal share, or a percentage of the federal  
17 share, of allowable costs for providing the service, the percentages used to determine  
18 the federal share shall be the following, regardless of whether the federal  
19 government increases the percentages:

20           (a) For services provided during the period from October 1, 2008, through  
21 September 30, 2009, the federal Medical Assistance percentages for federal fiscal  
22 year 2009 that are published in the federal register on November 28, 2007, on pages  
23 67304 to 67306.

24           (b) For services provided during the period from October 1, 2009, through  
25 December 31, 2010, the federal Medical Assistance percentages for federal fiscal year

1 2010 that are published in the federal register on November 26, 2008, on pages 72051  
2 to 72053.

3 **\*-1857/2.9131\* SECTION 9131. Nonstatutory provisions; Legislature.**

4 (1) REQUIRED GENERAL FUND STRUCTURAL BALANCE. Section 20.003 (4) (fv) and  
5 (4m) of the statutes shall not apply to the 2008-09 fiscal year.

6 **\*-2008/P1.9150\* SECTION 9150. Nonstatutory provisions;**  
7 **Transportation.**

8 (1) REPORT RELATED TO FEDERAL ECONOMIC STIMULUS FUNDS.

9 (a) *Definition.* In this subsection, "federal economic stimulus funds" means  
10 federal moneys received or expected to be received by the state, pursuant to federal  
11 legislation enacted during the 111th Congress, for the purpose of reviving the  
12 economy of the United States, which moneys are intended to be used for  
13 transportation purposes.

14 (b) *Review of allocation plan for expenditure of federal economic stimulus funds.*

15 The department of transportation shall, for all federal economic stimulus funds in  
16 excess of \$300,000,000, submit to the joint committee on finance by June 15, 2009,  
17 or by the 2nd day after the effective date of this paragraph, whichever is later, an  
18 allocation plan for expenditure of these federal economic stimulus funds. After  
19 receiving the plan, the cochairpersons of the joint committee on finance jointly shall  
20 determine whether the plan is complete. If the joint committee on finance meets and  
21 either approves or modifies and approves the plan within 14 days after the  
22 cochairpersons determine that the plan is complete, the department of  
23 transportation may implement the plan as approved by the committee. If the joint  
24 committee on finance does not meet and either approve or modify and approve the

1 plan within 14 days after the cochairpersons determine that the plan is complete, the  
2 department of transportation may implement the proposed plan.

3 **\*-1940/2.9152\* SECTION 9152. Nonstatutory provisions; University of**  
4 **Wisconsin Hospitals and Clinics Authority.**

5 (1) PAYMENT TO STATE. No later than June 30, 2009, the University of Wisconsin  
6 Hospitals and Clinics Authority shall pay to the state, for deposit in the general fund,  
7 an amount equal to \$49,000,000.

8 **\*-1638/7.9201\* SECTION 9201. Fiscal changes; Administration.**

9 (1) LAPSE OR TRANSFER OF UNENCUMBERED MONEYS IN APPROPRIATION ACCOUNTS  
10 AND FUNDS.

11 (a) In this subsection, "state agency" has the meaning given in section 20.001  
12 (1) of the statutes, but does not include the investment board or the department of  
13 employee trust funds.

14 (b) Notwithstanding section 20.001 (3) (a) to (c) and 25.40 (3) of the statutes,  
15 but subject to paragraph (c), the secretary of administration shall lapse or transfer  
16 to the general fund from the unencumbered balances of appropriations to state  
17 agencies, other than appropriations of federal revenues, an amount equal to  
18 \$125,000,000 before July 1, 2011. The secretary may reestimate appropriation  
19 amounts of sum sufficient appropriations to achieve the required lapse or transfer.  
20 The amounts lapsed or transferred under this paragraph shall be in addition to the  
21 amounts lapsed or transferred under 2007 Wisconsin Act 20, section 9201 (1c) (a) to  
22 (c).

23 (c) 1. The secretary of administration may not lapse or transfer moneys under  
24 paragraph (b) if the lapse or transfer would violate a condition imposed by the federal

1 government on the expenditure of the moneys or if the lapse or transfer would violate  
2 the federal or state constitution.

3 2. The secretary of administration may not lapse or transfer moneys under  
4 paragraph (b) from an appropriation to the department of transportation under  
5 section 20.395 (3) (bq), (cq), and (cr) of the statutes, other than moneys for  
6 department operations and services engaged under section 84.01 (13) of the statutes.

7 **\*-1902/2.9208\* SECTION 9208. Fiscal changes; Children and Families.**

8 (1) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS. In the schedule  
9 under section 20.005 (3) of the statutes for the appropriation to the department of  
10 children and families under section 20.437 (2) (dz) of the statutes, as affected by the  
11 acts of 2009, the dollar amount is decreased by \$22,529,000 for the second fiscal year  
12 of the fiscal biennium in which this subsection takes effect for the purposes for which  
13 the appropriation is made.

14 (2) FEDERAL BLOCK GRANT AIDS. In the schedule under section 20.005 (3) of the  
15 statutes for the appropriation to the department of children and families under  
16 section 20.437 (2) (md) of the statutes, as affected by the acts of 2009, the dollar  
17 amount is increased by \$47,175,000 for the second fiscal year of the fiscal biennium  
18 in which this subsection takes effect for the purposes for which the appropriation is  
19 made.

20 **SECTION 9210. Fiscal changes; Commerce.**

21 **\*-1508/3.9210\*** (1) MANUFACTURING EXTENSION CENTER GRANTS. In the schedule  
22 under section 20.005 (3) of the statutes for the appropriation to the department of  
23 commerce under section 20.143 (1) (fj) of the statutes, as affected by the acts of 2009,  
24 the dollar amount is increased by \$1,500,000 for the second fiscal year of the fiscal

1 biennium in which this subsection takes effect to increase funding for grants to the  
2 Wisconsin Manufacturing Extension Partnership.

3 **\*-1885/P2.9210\*** (2) HOUSING GRANTS AND LOANS; GENERAL PURPOSE REVENUE.  
4 In the schedule under section 20.005 (3) of the statutes for the appropriation to the  
5 Department of Commerce under section 20.143 (2) (b) of the statutes, as affected by  
6 the acts of 2009, the dollar amount is increased by \$200,000 for the second fiscal year  
7 of the fiscal biennium in which this subsection takes effect to fund the grant under  
8 2009 Wisconsin Act .... (this act), section 9110 (1).

9 **\*-1888/P1.9210\*** (3) WISCONSIN REGIONAL TRAINING PARTNERSHIP/BUILDING  
10 INDUSTRY GROUP SKILLED TRADES EMPLOYMENT PROGRAM. In the schedule under section  
11 20.005 (3) of the statutes for the appropriation to the department of commerce under  
12 section 20.143 (1) (c) of the statutes, as affected by the acts of 2009, the dollar amount  
13 is increased by \$1,000,000 for the second fiscal year of the fiscal biennium in which  
14 this subsection takes effect for the purpose of expanding the Wisconsin Regional  
15 Training Partnership/Building Industry Group Skilled Trades Employment  
16 Program.

17 (4) GRANTS TO ORGANIZATIONS IN SPECIFIC BUILDING TRADES FOR GREEN JOB TRAINING  
18 AND RETRAINING. In the schedule under section 20.005 (3) of the statutes for the  
19 appropriation to the department of commerce under section 20.143 (1) (c) of the  
20 statutes, as affected by the acts of 2009, the dollar amount is increased by \$1,630,000  
21 for the second fiscal year of the fiscal biennium in which this subsection takes effect  
22 for the purpose of providing training and retraining for green jobs in specific building  
23 trades.

24 **SECTION 9222. Fiscal changes; Health Services.**

1           **\*-1152/P8.9222\*** (1) MEDICAL ASSISTANCE TRUST FUND. In the schedule under  
2 section 20.005 (3) of the statutes for the appropriation to the department of health  
3 services under section 20.435 (4) (w) of the statutes, as affected by the acts of 2009,  
4 the dollar amount is increased by \$79,206,800 for the second fiscal year of the fiscal  
5 biennium in which this subsection takes effect for the purpose for which the  
6 appropriation is made.

7           (2) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE APPROPRIATION. In the  
8 schedule under section 20.005 (3) of the statutes for the appropriation to the  
9 department of health services under section 20.435 (4) (b) of the statutes, as affected  
10 by the acts of 2009, the dollar amount is decreased by \$78,456,800 for the second  
11 fiscal year of the fiscal biennium in which this subsection takes effect for the  
12 purposes for which the appropriation is made.

13           **\*-1937/1.9222\*** (3) In the schedule under section 20.005 (3) of the statutes for  
14 the appropriation to the department of health services under section 20.435 (4) (b)  
15 of the statutes, as affected by the acts of 2009, the dollar amount is increased by  
16 \$50,000,000 for the second fiscal year of the fiscal biennium in which this subsection  
17 takes effect for the purposes for which the appropriation is made.

18           **\*-1878/2.9248\*** SECTION 9248. **Fiscal changes; Technical College**  
19 **System.**

20           (1) TRAINING PROGRAM GRANTS. In the schedule under section 20.005 (3) of the  
21 statutes for the appropriation to the technical college system under section 20.292  
22 (1) (eh) of the statutes, as affected by the acts of 2009, the dollar amount is increased  
23 by \$3,000,000 for the 2008-09 fiscal year to increase funding for the purpose for  
24 which the appropriation is made.

25           **\*-1949/P1.9310\*** SECTION 9310. **Initial applicability; Commerce.**

1 (1) EARLY STAGE SEED INVESTMENT CREDIT. The treatment of section 560.205 (1)  
2 (f) and (g), (2), and (3) (e) of the statutes first apply to taxable years beginning on  
3 January 1, 2009.

4 **\*-1152/P8.9322\* SECTION 9322. Initial applicability; Health Services.**

5 (1) MEDICAL ASSISTANCE FEE-FOR-SERVICE HOSPITAL RATE INCREASES. Payments  
6 under section 49.45 (3) (e) 11. of the statutes, as created by this act, for inpatient and  
7 outpatient hospital services that are reimbursed on a fee-for-service basis first  
8 apply to services provided on July 1, 2008.

9 **\*-1899/P3.9325\* SECTION 9325. Initial applicability; Housing and**  
10 **Economic Development Authority.**

11 (1) The treatment of section 234.60 (1) of the statutes first applies to bonds  
12 issued after the effective date of this subsection.

13 **\*-1890/1.9357\* SECTION 9357. Initial applicability; Other.**

14 (1) FORECLOSURE RECONVEYANCES. The treatment of sections 227.01 (13) (rm)  
15 and 846.40 of the statutes, the renumbering of section 799.40 (4) of the statutes, and  
16 the creation of section 799.40 (4) (b) of the statutes first apply to foreclosure  
17 reconveyances that are entered into on the effective date of this subsection.

18 (2) FORECLOSURE CONSULTANTS. The treatment of section 846.45 of the statutes  
19 first applies to agreements or transactions between foreclosure consultants and  
20 owners of residential real property that are entered into on the effective date of this  
21 subsection.

22 **\*-1894/1.9157\* (3) TENANT PROTECTIONS.** The treatment of sections 704.35 (3)  
23 and 846.35 of the statutes first applies to foreclosure actions that are commenced on  
24 the effective date of this subsection.

1 (4) RENTAL AGREEMENTS. The treatment of section 704.35 (2) of the statutes first  
2 applies to rental agreements entered into on the effective date of this subsection.

3 **SECTION 9400. Effective dates; general.** Except as otherwise provided in  
4 SECTIONS 9401 to 9457 of this act, this act takes effect on the day after publication.

5 **\*-1902/2.9408\* SECTION 9408. Effective dates; Children and Families.**

6 (1) FISCAL CHANGES. Section 9208 (1) and (2) of this act takes effect on the day  
7 after publication or retroactively to June 30, 2009, whichever is earlier.

8 **\*-1896/1.9417\* SECTION 9417. Effective dates; Financial Institutions.**

9 (1) MORTGAGE LOAN ORIGINATORS, MORTGAGE BROKERS, AND MORTGAGE BANKERS.  
10 The treatment of sections 15.09 (6), 15.187 (1) (intro.), (a), (b), (c), and (d), 49.857 (1)  
11 (d) 12., 73.0301 (1) (d) 6., 100.55 (1) (d) 3., 220.02 (2) (g) and (3), 220.06 (1), 220.285  
12 (1), 221.0402 (2) (b), 224.71 (1ag), (1b), (1bm), (1c), (1d), (1dm), (1f), (1g), (1h), (1m),  
13 (1r), (1u), (2), (3) (a) 1. to 3. and (b) 1. to 7., 8., 9., 10., 11. and 12., (4) (a) and (b) 1. to  
14 3., 4., 5., 6., 7., and 8., (5), (6) (a) 1. and 2. and (b), (7), (8), (10), (11), (12), (13), (15),  
15 (16), and (18), 224.72 (title), (1) (intro.), (a), and (b), (1m), (2) (a), (b), (c) (title), and  
16 (d), (2m), (3) (title), (a), (b), and (c), (4) (title), (a) (intro.), 1., 2., 3., and 4. and (d), (4m),  
17 (4n) (intro.) and (a) 2., (4r), (5) (title), (a), and (b), (7) (title), (a), and (b), (bm), (c), (d),  
18 and (e), (7m) (intro.), (am), (b), and (c), (7p), and (8), 224.725, 224.726, 224.728,  
19 224.73 (title), (1), 224.74 (title), (1), (2) (title), (ag) 3. and 4., (ar), (b), and (c), and (3),  
20 224.75 (title), (1) (a), (b) (intro.), 6., and 7., and (c) (intro.), (2), (3), (4), and (6), 224.76,  
21 224.77 (title), (1) (intro.), (a), (b), (c), (d), (e), (f), (fg), (g), (gd), (gh), (gp), (h) to (L), (m)  
22 to (q), (r), (s), (t), (tm), (u), (um), (v), (w), (x), and (y), (1m) (a), (b), and (d), (2m), (3m),  
23 (4), (5) (a), (8), and (9), 224.79, 224.80 (1), (2) (intro.) and (a) 1., 224.81, 224.82, 224.83,  
24 227.01 (13) (zy), 234.01 (5k), 234.49 (2) (a) 4., 234.59 (1) (h), 321.60 (1) (a) 12., 422.501  
25 (2) (b) 8., 428.202 (6), 428.203 (9) (title), 428.204, 428.206, 452.01 (3) (g), and 943.62

1 (2m) of the statutes, the repeal of sections 224.74 (2) (a) (title), 224.77 (2) (title), (6)  
2 (title), and (7) (title), and 224.78 (title) of the statutes, the renumbering of section  
3 224.77 (1m) (c) of the statutes, the renumbering and amendment of sections 224.71  
4 (5), 224.72 (1) (a), and (2) (intro.), 224.73 (2), (3), and (4), 224.74 (2) (a), 224.75 (1) (d),  
5 224.755, 224.77 (2), (6), and (7), 224.78, and 428.202 (6) of the statutes, the  
6 consolidation, renumbering, and amendment of section 224.77 (3) (a) and (b) of the  
7 statutes, the amendment of section 224.73 (2) (title), (3) (title), and (4) (title) of the  
8 statutes, the repeal and recreation of sections 224.72 (2) (title) and (7) (title) and  
9 224.755 (title) of the statutes, and the creation of sections 224.73 (2) (b), (3) (b), and  
10 (4) (b), 224.75 (1) (d) 2., 3., 4., and 5., 224.755 (1), (2), (3), and (4), 224.77 (1m) (c) 2.,  
11 and 224.77 (3) (a) 3. and 4. of the statutes take effect on January 1, 2010, or on the  
12 60th day after publication, whichever is later.

13 **\*-1152/P8.9422\* SECTION 9422. Effective dates; Health Services.**

14 (1) HOSPITAL ASSESSMENT.

15 (a) The treatment of sections 20.435 (4) (gp), 46.27 (9) (a) and (10) (a) 1., 46.275  
16 (5) (a) and (c), 46.283 (5), 46.284 (5) (a), 46.485 (2g) (intro.), 49.45 (5m) (am) (by  
17 SECTION 48), (6m) (ag) (intro.), (6v) (b), (6x) (a), (6y) (a), (am), (ap) (by SECTION 53),  
18 (ar) (by SECTION 57), and (at) (by SECTION 59), (6z) (a) (intro.), (8) (b), (24m) (intro.),  
19 and (52), 49.472 (6) (a) and (b), 49.473 (5), and 146.99 of the statutes takes effect on  
20 July 1, 2009.

21 (b) The treatment of sections 49.45 (5m) (am) (by SECTION 49), 49.45 (6y) (ap)  
22 (by SECTION 56), (ar) (by SECTION 58), and (at) (by SECTION 60) of the statutes takes  
23 effect on June 30, 2013.

24 **\*-0377/P10.9443\* SECTION 9443. Effective dates; Revenue.**

**SECTION 9443**

1 (1) MAIN STREET EQUITY ACT. The repeal of sections 46.513, 77.51 (4), 77.51 (14)  
2 (d), 77.51 (14) (i), 77.51 (14) (k), 77.51 (14) (L), 77.51 (14r), 77.51 (15), 77.52 (2) (a)  
3 5. b., 77.52 (3m), 77.52 (3n), 77.52 (6), 77.52 (14) (a) 2., 77.523 (title), 77.53 (4), 77.53  
4 (15), 77.54 (14g), 77.54 (14s), 77.54 (20), 77.54 (20m), 77.54 (22), 77.54 (40), 77.61 (3),  
5 77.65 (2) (c), 77.72 (title), 77.72 (2) and (3) and 77.77 (2) of the statutes; the  
6 renumbering of sections 77.524 (1) (a) and 77.54 (48) (b) of the statutes; the  
7 renumbering and amendment of sections 77.51 (1), 77.51 (21m) (by SECTION 275),  
8 77.51 (6m), 77.51 (14) (g), 77.52 (1), 77.523, 77.524 (1) (b), 77.53 (9m), 77.53 (11),  
9 77.54 (48) (a), 77.61 (2), 77.72 (1) and 77.77 (1) of the statutes; the consolidation,  
10 renumbering, and amendment of section 77.52 (14) (a) (intro.) and 1. and (b) of the  
11 statutes; the amendment of sections 66.0615 (1m) (f) 2., 70.111 (23), 71.07 (5e) (b),  
12 71.07 (5e) (c) 1., 71.07 (5e) (c) 3., 71.28 (5e) (b), 71.28 (5e) (c) 1., 71.28 (5e) (c) 3., 71.47  
13 (5e) (b), 71.47 (5e) (c) 1., 71.47 (5e) (c) 3., 73.03 (50) (d), 76.07 (4g) (b) 8., 77.51 (5),  
14 77.51 (9) (a), 77.51 (9) (am), 77.51 (10), 77.51 (12) (b), 77.51 (13) (a), 77.51 (13) (b),  
15 77.51 (13) (c), 77.51 (13) (d), 77.51 (13) (e), 77.51 (13) (f), 77.51 (13) (k), 77.51 (13) (m),  
16 77.51 (13) (n), 77.51 (13) (o), 77.51 (13g) (intro.), 77.51 (13g) (a), 77.51 (13g) (b), 77.51  
17 (13r), 77.51 (14) (intro.), 77.51 (14) (a), 77.51 (14) (b), 77.51 (14) (c), 77.51 (14) (h),  
18 77.51 (14) (j), 77.51 (14g) (a), 77.51 (14g) (b), 77.51 (14g) (bm), 77.51 (14g) (c), 77.51  
19 (14g) (cm), 77.51 (14g) (d), 77.51 (14g) (e), 77.51 (14g) (em), 77.51 (14g) (f), 77.51 (14g)  
20 (g), 77.51 (14g) (h), 77.51 (17) (intro.), 77.51 (18), 77.51 (21), 77.51 (22) (a), 77.51 (22)  
21 (b), 77.52 (2) (intro.), 77.52 (2) (a) 5. a. (by SECTION 292), 77.52 (2) (a) 5m., 77.52 (2)  
22 (a) 10., 77.52 (2) (a) 11., 77.52 (2m) (a), 77.52 (2m) (b), 77.52 (4), 77.52 (7), 77.52 (12),  
23 77.52 (13), 77.52 (15), 77.52 (16), 77.52 (17m) (b) 6., 77.52 (19), 77.525, 77.53 (1), 77.53  
24 (2), 77.53 (3), 77.53 (9), 77.53 (10), 77.53 (12), 77.53 (14), 77.53 (16), 77.53 (17), 77.53  
25 (17m), 77.53 (17r) (a), 77.53 (18), 77.54 (1), 77.54 (2), 77.54 (2m), 77.54 (3) (a), 77.54

1 (3m) (intro.), 77.54 (4), 77.54 (5) (intro.), 77.54 (6) (intro.), 77.54 (7m), 77.54 (8), 77.54  
2 (9), 77.54 (9a) (intro.), 77.54 (10), 77.54 (11), 77.54 (12), 77.54 (13), 77.54 (14) (intro.),  
3 77.54 (14) (a), 77.54 (14) (b), 77.54 (14) (f) (intro.), 77.54 (15), 77.54 (16), 77.54 (17),  
4 77.54 (18), 77.54 (21), 77.54 (23m), 77.54 (25), 77.54 (25m), 77.54 (26), 77.54 (26m),  
5 77.54 (27), 77.54 (28), 77.54 (29), 77.54 (30) (a) (intro.), 77.54 (30) (c), 77.54 (31), 77.54  
6 (32), 77.54 (33), 77.54 (35), 77.54 (36), 77.54 (37), 77.54 (38), 77.54 (39), 77.54 (41),  
7 77.54 (42), 77.54 (43), 77.54 (44), 77.54 (45), 77.54 (46), 77.54 (46m), 77.54 (47)  
8 (intro.), 77.54 (47) (b) 1., 77.54 (47) (b) 2., 77.54 (49), 77.54 (54), 77.54 (56), 77.55 (1)  
9 (intro.), 77.55 (2), 77.55 (2m), 77.55 (3), 77.56 (1), 77.57, 77.58 (3) (a), 77.58 (3) (b),  
10 77.58 (6), 77.59 (5m), 77.59 (9), 77.61 (1) (b), 77.61 (1) (c), 77.61 (4) (a), 77.61 (4) (c),  
11 77.61 (11), 77.65 (2) (a), 77.65 (2) (e), 77.65 (2) (f), 77.66, 77.70, 77.705, 77.706, 77.707  
12 (1), 77.707 (2), 77.71 (1), 77.71 (2), 77.71 (3), 77.71 (4), 77.73 (2), 77.75, 77.785 (1),  
13 77.785 (2), 77.98, 77.981, 77.99, 77.994 (1) (intro.), 77.9941 (4), 77.995 (2), 77.996 (6),  
14 86.195 (3) (b) 3., 218.0171 (2) (cq), 229.68 (15) and 229.824 (15) of the statutes; the  
15 repeal and recreation of sections 77.51 (7), 77.51 (12) (a), 77.51 (17m), 77.51 (20),  
16 77.52 (1b), 77.52 (2n), 77.53 (1b), 77.63, 77.982 (2), 77.991 (2), 77.9951 (2), and  
17 77.9972 (2) of the statutes; and the creation of sections 20.566 (1) (ho), 73.03 (28e),  
18 73.03 (50b), 73.03 (61), 77.51 (1a), 77.51 (1b), 77.51 (1ba), 77.51 (1f), 77.51 (1fm),  
19 77.51 (1pd), 77.51 (1r), 77.51 (2k), 77.51 (2m), 77.51 (3c), 77.51 (3n), 77.51 (3p), 77.51  
20 (3pa), 77.51 (3pb), 77.51 (3pc), 77.51 (3pd), 77.51 (3pe), 77.51 (3pf), 77.51 (3pj), 77.51  
21 (3pm), 77.51 (3pn), 77.51 (3po), 77.51 (3rm), 77.51 (3rn), 77.51 (3t), 77.51 (5d), 77.51  
22 (5n), 77.51 (5r), 77.51 (7g), 77.51 (7k), 77.51 (7m), 77.51 (8m), 77.51 (9p), 77.51 (9s),  
23 77.51 (10d), 77.51 (10f), 77.51 (10m), 77.51 (10n), 77.51 (10s), 77.51 (11d), 77.51  
24 (11m), 77.51 (12m), 77.51 (12p), 77.51 (13g) (c), 77.51 (13rm), 77.51 (13rn), 77.51  
25 (15a), 77.51 (15b), 77.51 (17w), 77.51 (17x), 77.51 (21n), 77.51 (21p), 77.51 (21q),

**SECTION 9443**

1 77.51 (22) (bm), 77.51 (24), 77.51 (25), 77.51 (26), 77.52 (1) (b), 77.52 (1) (c), 77.52 (1)  
2 (d), 77.52 (2) (a) 5. am., 77.52 (2) (a) 5. c., 77.52 (2) (a) 13m., 77.52 (7b), 77.52 (14) (am),  
3 77.52 (14) (bm), 77.52 (20), 77.52 (21), 77.52 (22), 77.52 (23), 77.522, 77.524 (1) (ag),  
4 77.53 (9m) (b), 77.53 (9m) (c), 77.53 (11) (b), 77.54 (20n), 77.54 (20r), 77.54 (22b), 77.54  
5 (50), 77.54 (51), 77.54 (52), 77.58 (6m), 77.58 (9a), 77.585, 77.59 (2m), 77.59 (9n),  
6 77.59 (9p) (b), 77.59 (9r), 77.60 (13), 77.61 (2) (b), 77.61 (3m), 77.61 (5m), 77.61 (16),  
7 77.61 (17), 77.61 (18), 77.65 (4) (fm), 77.67, 77.73 (3) and 77.77 (1) (b) of the statutes  
8 take effect on October 1, 2009.

9 (2) MAIN STREET EQUITY ACT. The amendment of sections 77.51 (21m) (by  
10 SECTION 274) and 77.52 (2) (a) 5. a. (by SECTION 291) of the statutes takes effect on  
11 September 30, 2009.

12 (END)

*The Department of Transportation*

*The Joint Committee on Finance*

~~\*\*\* ANALYSIS FROM -1761/40\*\*\*~~

*ARC  
ANAL A  
insert  
↑*

Under current law, DOT must annually submit to JCF a plan for adjusting DOT's federal funds appropriations if the most recent federal funds estimates vary from DOT's federal funds appropriations by more than 5 percent. JCF must meet and approve or modify and approve the plan within 14 days or DOT may implement the plan as proposed. If JCF meets and modifies the plan within 14 days, DOT may implement the plan only as modified.

This bill specifies that these requirements do not apply with respect to the first \$300,000,000 of federal economic stimulus funds, intended to be used for transportation purposes, resulting from federal legislation enacted between January 2009 and January 2011 (stimulus funds). The bill also requires DOT to submit to JCF, by a specified date, an allocation plan for expenditure of all stimulus funds in excess of \$300,000,000 received or expected to be received by the state. This plan is reviewed by JCF under the same passive review process described above.

**\*\*\* ANALYSIS FROM -0810/2 \*\*\***

**OTHER TRANSPORTATION**

Under current law, the state may contract up to \$53,400,000 in public debt for DOT to provide grants for harbor improvements. This bill increases this authorized general obligation bonding limit from \$53,400,000 to \$72,450,000.

**\*\*\* ANALYSIS FROM -0344/1 \*\*\***

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1999/rins  
RLR:.....

State Fiscal  
year  
↑  
2008-09

1

WJ

**INS RR-1:**

Under the bill, the amount allocated to hospitals for MA services in SFY 2008-09, including both the state and federal share under MA, is the amount of the hospital assessment revenue divided by 57.75 percent, which is \$476,961,200.

WJ

**INS RR-2:**

amount of payments to hospitals for MA services from hospital assessment revenue plus the federal share of MA is equal to

**Ins RR-3:**

In addition to the decrease in general purpose revenue appropriated for MA in association with the hospital assessment, the