

impacted babies required under s. 253.15 (6). The department shall provide reimbursement for those care coordination services only if at least one of the following conditions is met:

(a) The recipient is a resident of Milwaukee County or the city of Racine and has received services under s. 49.46 (2) (b) 12. and is pregnant or has given birth within 8 weeks after the individual ceased to receive services under s. 49.46 (2) (b) 12.

(b) The recipient is a resident of Milwaukee County or the city of Racine, is pregnant and has received a risk assessment approved by the department.

(c) The recipient is a resident of Milwaukee County or the city of Racine, has given birth within the 8 weeks immediately preceding the request for services under s. 49.46 (2) (b) 12m. and has received a risk assessment approved by the department.

SECTION 1313p. 49.45 (44g) of the statutes is created to read:

49.45 (44g) **PRENATAL CARE COORDINATION; MANAGED CARE ORGANIZATIONS.** (a) In this subsection, "managed care organization" includes a health maintenance organization, a limited service health organization, and a preferred provider plan.

(b) In a contract with a managed care organization to provide medical assistance, the department shall require the managed care organization to provide or contract with a prenatal care coordination program to serve recipients of medical assistance.

(c) The managed care organization under contract under par. (b) shall ensure that each enrollee who is pregnant and who is a recipient of medical assistance is enrolled in the prenatal care coordination program under par. (b).

SECTION 1314. 49.45 (47) (c) of the statutes is amended to read:

49.45 (47) (c) The biennial fee for the certification required under par. (b) of an adult day care center is ~~\$100~~ **\$127**. Fees collected under this paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

SECTION 1315. 49.45 (47) (e) of the statutes is created to read:

49.45 (47) (e) If the department takes enforcement action against an adult day care center for violating a certification requirement established under s. 49.45 (2) (a) 11., and the department subsequently conducts an on-site inspection of the adult day care center to review the adult day care center's action to correct the violation, the department may impose a \$200 inspection fee on the adult day care center.

SECTION 1315n. 49.45 (50m) of the statutes is created to read:

49.45 (50m) **CHRONIC DISEASE MANAGEMENT; MANAGED CARE ORGANIZATIONS.** (a) In this subsection, "managed care organization" includes a health maintenance

organization, a limited service health organization, and a preferred provider plan.

(b) In a contract with a managed care organization to provide medical assistance, the department shall require the managed care organization to provide a chronic disease management and case coordination program for every recipient of medical assistance diagnosed with diabetes, asthma, congestive heart failure, coronary artery disease, or a primary or secondary behavioral health diagnosis, including substance abuse and depression.

SECTION 1316. 49.45 (52) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

49.45 (52) **PAYMENT ADJUSTMENTS.** Beginning on January 1, 2003, the department may, from the appropriation account under s. 20.435 (7) (b), make Medical Assistance payment adjustments to county departments under s. 46.215, 46.22, 46.23, or 51.42, or 51.437 or to local health departments, as defined in s. 250.01 (4), as appropriate, for covered services under s. 49.46 (2) (a) 2. and 4. d. and f. and (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13., 15., and 16. except for services specified under s. 49.46 (2) (b) 6. b. and c. provided to children participating in the early intervention program under s. 51.44. Payment adjustments under this subsection shall include the state share of the payments. The total of any payment adjustments under this subsection and Medical Assistance payments made from appropriation accounts under s. 20.435 (4) (b), (o), and (w), may not exceed applicable limitations on payments under 42 USC 1396a (a) (30) (A).

SECTION 1317. 49.45 (54) of the statutes is created to read:

49.45 (54) **THERAPY FOR CHILDREN PARTICIPATING IN THE BIRTH TO 3 PROGRAM.** (a) *Federal share for county expenditures.* If a county certifies to the department that the amount the county expended to provide services specified under s. 49.46 (2) (b) 6. b. and c. to children participating in the early intervention program under s. 51.44 exceeds the amount the county received as reimbursement under this section, based on reimbursement rates established by the department for those services, and the federal government pays the state the federal share of Medical Assistance for the amount by which the county expenditures exceed the reimbursement, the department may disburse the federal share to the county. A county that receives moneys under this paragraph shall expend the moneys for early intervention services under s. 51.44 or for services under the disabled children's long-term support program, as defined in s. 46.011 (1g).

(b) *Services provided by special educators.* If a county provides services to assess and promote skill acquisition to children who are participating in the early intervention program under s. 51.44 and the services are provided by a special educator who is a certified provider of medical assistance, the department shall reimburse the

county the federal share of medical assistance for the county's allowable charges for providing the services. The county shall pay the the remaining expenses for the services. The department shall promulgate rules establishing certification requirements for special educators who provide service under this paragraph, and requirements for county reporting of expenditures for services under this paragraph. A county that receives moneys under this paragraph shall expend the moneys for early intervention services under s. 51.44 or for services under the disabled children's long-term support program, as defined in s. 46.011 (1g).

SECTION 1317n. 49.45 (60) of the statutes is created to read:

49.45 (60) DENTAL SERVICES IN SOUTHEASTERN WISCONSIN. Beginning on January 1, 2010, the department shall provide dental benefits under this subchapter in Kenosha, Milwaukee, Racine, and Waukesha counties on a fee-for-service basis.

SECTION 1318. 49.46 (1) (a) 5. of the statutes is amended to read:

49.46 (1) (a) 5. Any child in an adoption assistance, foster care, ~~treatment foster care~~, or subsidized guardianship placement under ch. 48 or 938, as determined by the department.

SECTION 1320. 49.46 (1) (d) 1. of the statutes is amended to read:

49.46 (1) (d) 1. Children who are placed in licensed foster homes or ~~licensed treatment foster homes~~ by the department and who would be eligible for payment of aid to families with dependent children in foster homes or ~~treatment foster homes~~ except that their placement is not made by a county department under s. 46.215, 46.22, or 46.23 will be considered as recipients of aid to families with dependent children.

SECTION 1321. 49.46 (2) (b) 3. of the statutes is amended to read:

49.46 (2) (b) 3. Transportation by emergency medical vehicle to obtain emergency medical care, transportation by specialized medical vehicle to obtain medical care including the unloaded travel of the specialized medical vehicle necessary to provide that transportation, or, ~~if authorized in advance by the county department under s. 46.215 or 46.22,~~ transportation by common carrier or private motor vehicle to obtain medical care.

SECTION 1321r. 49.46 (2) (b) 6. (intro.) of the statutes is amended to read:

49.46 (2) (b) 6. (intro.) The following services ~~if that, other than under subd. 6. f., fm., k., and Lr., are~~ prescribed by a physician:

SECTION 1322. 49.46 (2) (b) 6. e. of the statutes is amended to read:

49.46 (2) (b) 6. e. Inpatient Subject to the limitation under s. 49.45 (30r), inpatient hospital, skilled nursing facility and intermediate care facility services for patients of any institution for mental diseases who are

under 21 years of age, are under 22 years of age and who were receiving these services immediately prior to reaching age 21, or are 65 years of age or older.

SECTION 1323. 49.46 (2) (b) 6. Lo. of the statutes is created to read:

49.46 (2) (b) 6. Lo. Subject to the limitations under s. 49.45 (30g), community recovery services.

SECTION 1323c. 49.46 (2) (b) 6. Lr. of the statutes is created to read:

49.46 (2) (b) 6. Lr. Psychotherapy and alcohol and other drug abuse services, as specified under s. 49.45 (30f).

SECTION 1324. 49.46 (2) (b) 8. of the statutes is amended to read:

49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27 (11), 46.275, 46.277, 46.278, ~~or 46.2785, 46.99,~~ or under the family care benefit if a waiver is in effect under s. 46.281 (1d), or under the disabled children's long-term support program, as defined in s. 46.011 (1g).

SECTION 1325. 49.46 (2) (b) 17. of the statutes is created to read:

49.46 (2) (b) 17. Services under s. 49.45 (54) (b) for children participating in the early intervention program under s. 51.44, that are provided by a special educator.

SECTION 1327. 49.47 (4) (b) (intro.) of the statutes is amended to read:

49.47 (4) (b) (intro.) Eligibility exists if the applicant's property, subject to the exclusion of any amounts under the Long-Term Care Partnership Program established under s. 49.45 (31), any amounts in an independence account, as defined in s. 49.472 (1) (c), or any retirement assets that accrued from employment while the applicant was eligible for the community options program under s. 46.27 (11), or any other Medical Assistance program, including deferred compensation or the value of retirement accounts in the Wisconsin Retirement System or under the federal Social Security Act, does not exceed the following:

SECTION 1328. 49.471 (2) of the statutes is amended to read:

49.471 (2) WAIVER AND STATE PLAN AMENDMENTS. The department shall request a waiver from, and submit amendments to the state Medical Assistance plan to, the secretary of the federal department of health and human services to implement BadgerCare Plus. If the state plan amendments are approved and a waiver that is substantially consistent with the provisions of this section, excluding sub. (2m), is granted and in effect, the department shall implement BadgerCare Plus beginning on January 1, 2008, the effective date of the state plan amendments, or the effective date of the waiver, whichever is latest. If the state plan amendments are approved but the terms of approval do not allow for federal funding of the cost of benefits for all or any part of one or more of the eligibility categories under sub. (4) (b), the depart-

ment may at its discretion pay for the cost of benefits for all or any part of any group for which federal funding was denied exclusively with moneys from the appropriation under s. 20.435 (4) (b). If the state plan amendments are not approved or if a waiver that is substantially consistent with the provisions of this section, excluding sub. (2m), is not granted, BadgerCare Plus may not be implemented. If the state plan amendments are approved but approval is not continued or if a waiver that is substantially consistent with the provisions of this section, excluding sub. (2m), is granted but not continued in effect, BadgerCare Plus shall be discontinued.

SECTION 1329. 49.471 (3) (a) 1. of the statutes is amended to read:

49.471 (3) (a) 1. Notwithstanding ss. 49.46 (1), 49.465, 49.47 (4), and 49.665 (4), if the amendments to the state plan under sub. (2) are approved and a waiver under sub. (2) that is substantially consistent with all of the provisions of this section, excluding sub. (2m), is granted and in effect, an individual described in sub. (4) (a) or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical Assistance or BadgerCare health program benefits. The eligibility of an individual described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be determined under this section.

SECTION 1330. 49.471 (3) (b) 1. (intro.) of the statutes is amended to read:

49.471 (3) (b) 1. (intro.) If an individual over 18 years of age who is eligible for and receiving Medical Assistance benefits under s. 49.46, 49.47, or 49.665 in the month before BadgerCare Plus is implemented loses that eligibility solely due to the implementation of BadgerCare Plus and, because of his or her income, is not eligible for BadgerCare Plus, the individual shall continue receiving for ~~18~~ 12 consecutive months the medical assistance he or she was receiving before the implementation of BadgerCare Plus if all of the following are satisfied:

SECTION 1331. 49.471 (3) (b) 1. c. of the statutes is amended to read:

49.471 (3) (b) 1. c. The individual ~~continues to meet~~ meets all nonfinancial eligibility requirements ~~for the coverage that he or she had in the month before the implementation of BadgerCare Plus~~ under this section.

SECTION 1332. 49.471 (3) (b) 2. of the statutes is amended to read:

49.471 (3) (b) 2. Notwithstanding subd. 1., if at any time during an individual's ~~48-month~~ 12-month eligibility extension under subd. 1. any criterion under subd. 1. a. to d. is not satisfied, the individual's eligibility for the extended coverage is terminated and any time remaining in the eligibility period is lost.

SECTION 1333. 49.471 (4) (a) 4. a. of the statutes is amended to read:

49.471 (4) (a) 4. a. The individual is a parent or caretaker relative of a child who is living in the home with the

parent or caretaker relative or who is temporarily absent from the home for not more than 6 months or, if the child has been removed from the home for more than 6 months, the parent or caretaker relative is working toward unifying the family by complying with a permanency plan under s. 48.38 or 938.38.

SECTION 1334. 49.471 (4) (a) 5. of the statutes is amended to read:

49.471 (4) (a) 5. An individual who, regardless of family income, was born on or after January 1, 1990, and who, on his or her 18th birthday, was in a foster care ~~or treatment foster care~~ placement under the responsibility of a state, as determined by the department. The coverage for an individual under this subdivision ends on the last day of the month in which the individual becomes 21 years of age, unless he or she otherwise loses eligibility sooner.

SECTION 1335. 49.471 (4) (a) 7. of the statutes is created to read:

49.471 (4) (a) 7. Individuals who qualify for a medical assistance eligibility extension under s. 49.46 (1) (c), (cg), or (co) when their income increases above the poverty line.

SECTION 1336. 49.471 (4) (b) 1m. of the statutes is amended to read:

49.471 (4) (b) 1m. A pregnant woman ~~or unborn child~~ who obtains eligibility under sub. (7) (b) 1.

SECTION 1337. 49.471 (4) (b) 4. a. of the statutes is amended to read:

49.471 (4) (b) 4. a. The individual is a parent or caretaker relative of a child who is living in the home with the parent or caretaker relative or who is temporarily absent from the home for not more than 6 months or, if the child has been removed from the home for more than 6 months, the parent or caretaker relative is working toward unifying the family by complying with a permanency plan under s. 48.38 or 938.38.

SECTION 1337n. 49.471 (4) (d) of the statutes is created to read:

49.471 (4) (d) An individual is eligible to purchase coverage of the benefits described in sub. (11) for himself or herself and for his or her spouse and dependent children, at the full per member per month cost of coverage, if all of the following apply:

1. The individual lost his or her employer-sponsored health care coverage as a result of his or her employer's or former employer's bankruptcy.

2. After losing his or her employer-sponsored health care coverage, the individual received health care coverage through a voluntary employment benefit association that was established before August 2006.

3. The individual is not otherwise eligible for coverage under this section.

4. The individual is under 65 years of age.

SECTION 1338. 49.471 (5) (b) 1. of the statutes is amended to read:

49.471 (5) (b) 1. Except as provided in sub. (6) (a) 1., a pregnant woman is eligible for the benefits specified in par. (c) during the period beginning on the day on which a qualified provider determines, on the basis of preliminary information, that the woman's family income does not exceed 300 percent of the poverty line and ending on the applicable day specified in subd. 3.

SECTION 1339. 49.471 (5) (b) 2. of the statutes is amended to read:

49.471 (5) (b) 2. Except as provided in sub. (6) (a) 2., a child who is not an unborn child is eligible for the benefits described in s. 49.46 (2) (a) and (b) during the period beginning on the day on which a qualified entity determines, on the basis of preliminary information, that the child's family income does not exceed 150 percent of the poverty line and ending on the applicable day specified in subd. 3.

SECTION 1340. 49.471 (5) (c) of the statutes is renumbered 49.471 (5) (c) 2. and amended to read:

49.471 (5) (c) 2. On behalf of a woman under par. (b) 1. whose family income exceeds 200 percent of the poverty line, the department shall audit and pay allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory prenatal care services under the benefits under sub. (11).

SECTION 1341. 49.471 (5) (c) 1. of the statutes is created to read:

49.471 (5) (c) 1. On behalf of a woman under par. (b) 1. whose family income does not exceed 200 percent of the poverty line, the department shall audit and pay allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory prenatal care services under the benefits described in s. 49.46 (2) (a) and (b).

SECTION 1342. 49.471 (6) (a) of the statutes is renumbered 49.471 (6) (a) 2. and amended to read:

49.471 (6) (a) 2. Any ~~pregnant woman, including a pregnant woman under sub. (5) (b) 1.,~~ child who is not an unborn child, including a child under sub. (5) (b) 2., parent, or caretaker relative whose family income is less than 150 percent of the poverty line is eligible for medical assistance under this section for any of the 3 months prior to the month of application if the individual met the eligibility criteria under this section and had a family income of less than 150 percent of the poverty line in that month.

SECTION 1343. 49.471 (6) (a) 1. of the statutes is created to read:

49.471 (6) (a) 1. Any pregnant woman, including a pregnant woman under sub. (5) (b) 1., is eligible for medical assistance under this section for any of the 3 months prior to the month of application if she met the eligibility criteria under this section in that month.

SECTION 1344. 49.471 (6) (e) of the statutes is repealed.

SECTION 1345. 49.471 (7) (b) 1. of the statutes is amended to read:

49.471 (7) (b) 1. A pregnant woman, ~~or an unborn child,~~ whose family income exceeds 300 percent of the poverty line may become eligible for coverage under this section if the difference between the pregnant woman's ~~or unborn child's~~ family income and the applicable income limit under sub. (4) (b) is obligated or expended for any member of the pregnant woman's ~~or unborn child's~~ family for medical care or any other type of remedial care recognized under state law or for personal health insurance premiums or for both. Eligibility obtained under this subdivision continues without regard to any change in family income for the balance of the pregnancy and, ~~for a pregnant woman but not for an unborn child,~~ to the last day of the month in which the 60th day after the last day of the woman's pregnancy falls. Eligibility obtained by a pregnant woman under this subdivision extends to all pregnant women in the pregnant woman's family.

SECTION 1346. 49.471 (7) (b) 2. of the statutes is amended to read:

49.471 (7) (b) 2. A child who is not an unborn child ~~and,~~ whose family income exceeds 150 percent of the poverty line, and who is ineligible under this section solely because of sub. (8) (b) may obtain eligibility under this section if the difference between the child's family income and 150 percent of the poverty line is obligated or expended on behalf of the child or any member of the child's family for medical care or any other type of remedial care recognized under state law or for personal health insurance premiums or for both. Eligibility obtained under this subdivision during any 6-month period, as determined by the department, continues for the remainder of the 6-month period and extends to all children in the family.

SECTION 1347. 49.471 (7) (b) 3. of the statutes is amended to read:

49.471 (7) (b) 3. For a pregnant woman ~~or an unborn child~~ to obtain eligibility under subd. 1., the amount that must be obligated or expended in any 6-month period is equal to the sum of the differences in each of those 6 months between the pregnant woman's ~~or unborn child's~~ monthly family income and the monthly family income that is 300 percent of the poverty line. For a child to obtain eligibility under subd. 2., the amount that must be obligated or expended in any 6-month period is equal to the sum of the differences in each of those 6 months between the child's monthly family income and the monthly family income that is 150 percent of the poverty line.

SECTION 1348. 49.471 (7) (c) 1. of the statutes is amended to read:

49.471 (7) (c) 1. Deduct from ~~family~~ the individual's income, up to the amount of the individual's income, any payments made by amount the individual is obligated to

pay for court-ordered child or family support or maintenance.

SECTION 1349. 49.471 (8) (d) 1. f. of the statutes is created to read:

49.471 (8) (d) 1. f. An individual described in sub. (4) (a) 7.

SECTION 1350. 49.471 (8) (d) 2. c. of the statutes is amended to read:

49.471 (8) (d) 2. c. One or more members of the individual's family were eligible for other health insurance coverage or Medical Assistance under s. 49.46 or 49.47 at the time the employee failed to enroll in the health insurance coverage under par. (b) 1. and no member of the family was eligible for coverage under this section at that time or, if one or more members of the individual's family were eligible for coverage under this section at that time, family income did not exceed 150 percent of the poverty line or the individual qualified for a medical assistance eligibility extension as provided in sub. (4) (a) 7.

SECTION 1351. 49.471 (10) (a) of the statutes is amended to read:

49.471 (10) (a) *Copayments.* Except as provided in s. 49.45 (18) (am) 2. and (b) 2., all cost-sharing provisions under s. 49.45 (18) apply to a recipient with coverage of the benefits described in s. 49.46 (2) (a) and (b) to the same extent as they apply to a person eligible for medical assistance under s. 49.46, 49.468, or 49.47.

SECTION 1352. 49.471 (10) (b) 4. g. of the statutes is created to read:

49.471 (10) (b) 4. g. An individual described in sub. (4) (a) 7.

SECTION 1353. 49.471 (10) (b) 5. of the statutes is amended to read:

49.471 (10) (b) 5. If a recipient who is required to pay a premium under this paragraph or under sub. (2m) or (4) (c) either does not pay a premium when due or requests that his or her coverage under this section be terminated, the recipient's coverage terminates and the recipient is not eligible for BadgerCare Plus for 6 consecutive calendar months following the date on which the recipient's coverage terminated, except for any month during that 6-month period when the recipient's family income does not exceed 150 percent of the poverty line.

SECTION 1353n. 49.471 (11c) of the statutes is created to read:

49.471 (11c) **PODIATRISTS' SERVICES FOR CHILDLESS ADULTS.** The department shall cover services under this section that are provided by podiatrists, as defined in s. 448.60 (3), within the scope of a podiatrist's professional license, to individuals who are eligible for the childless adults demonstration project under s. 49.45 (23) if the services are covered when provided by a physician to those individuals.

SECTION 1354. 49.471 (12) (b) of the statutes is amended to read:

49.471 (12) (b) If the amendments to the state plan submitted under sub. (2) are approved and a waiver that is substantially consistent with ~~all of~~ the provisions of this section is granted and in effect, the department shall publish a notice in the Wisconsin Administrative Register that states the date on which BadgerCare Plus is implemented.

SECTION 1356. 49.665 (6) of the statutes is repealed.

SECTION 1357. 49.686 (2) of the statutes is amended to read:

49.686 (2) **REIMBURSEMENT.** From the ~~appropriations~~ appropriation accounts under s. 20.435 (5) (1) (am), (i), and (ma), the department may reimburse or supplement the reimbursement of the cost of AZT, the drug pentamidine, and any drug approved for reimbursement under sub. (4) (c) for an individual who is eligible under sub. (3).

SECTION 1358. 49.686 (3) (d) of the statutes is amended to read:

49.686 (3) (d) Has applied for coverage under and has been denied eligibility for medical assistance within 12 months prior to application for reimbursement under sub. (2). This paragraph does not apply to an individual who is eligible for benefits under the demonstration project for childless adults under s. 49.45 (23) or to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471 (11).

SECTION 1359. 49.686 (3) (f) of the statutes is amended to read:

49.686 (3) (f) Is an individual whose annual gross household income is at or below 200% of the poverty line and, if funding is available under s. 20.435 (1) (i) or (m) or (5) (i), is an individual whose annual gross household income is above 200% and at or below 300% of the poverty line.

SECTION 1360. 49.686 (6) (title) of the statutes is amended to read:

49.686 (6) (title) **HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM COVERAGE.**

SECTION 1361. 49.686 (6) (a) (intro.) of the statutes is amended to read:

49.686 (6) (a) (intro.) Subject to par. (b), the department shall conduct a ~~3-year pilot program, to begin on January 1, 2008,~~ under which the department may pay premiums for coverage under the Health Insurance Risk-Sharing Plan under subch. II of ch. 149, and pay copayments under that plan for prescription drugs for which reimbursement may be provided under sub. (2), for individuals who satisfy all of the following:

SECTION 1362. 49.686 (6) (b) of the statutes is amended to read:

49.686 (6) (b) The ~~pilot~~ program shall be open to a minimum of 100 participants at any given time, with more participants if the department determines that it is cost-effective.

SECTION 1363. 49.686 (6) (c) of the statutes is amended to read:

49.686 (6) (c) The department may promulgate rules for the administration of the pilot program. Notwithstanding s. 227.24 (3), rules under this paragraph may be promulgated as emergency rules under s. 227.24 without a finding of emergency.

SECTION 1364. 49.688 (1) (e) of the statutes is amended to read:

49.688 (1) (e) "Program payment rate" means the rate of payment made for the identical drug specified under s. 49.46 (2) (b) 6. h., plus 5%, plus a dispensing fee that is equal to the dispensing fee permitted to be charged for prescription drugs for which coverage is provided under s. 49.46 (2) (b) 6. h.

SECTION 1365. 49.688 (3) (d) of the statutes is amended to read:

49.688 (3) (d) ~~Notwithstanding s. 49.002, if~~ a person who is eligible under this section has other available coverage for payment of a prescription drug, this section applies only to costs for prescription drugs for the person that are not covered under the person's other available coverage.

SECTION 1366. 49.688 (8) of the statutes is repealed.

SECTION 1367. 49.688 (12) of the statutes is amended to read:

49.688 (12) Except as provided in subs. (8) (8m) to (11) and except for the department's rule-making requirements and authority, the department may enter into a contract with an entity to perform the duties and exercise the powers of the department under this section.

SECTION 1369. 49.775 (2) (bm) of the statutes is amended to read:

49.775 (2) (bm) The custodial parent assigns to the state any right of the custodial parent or of the dependent child to support from any other person accruing during the time that any payment under this subsection is made to the custodial parent. No amount of support that begins to accrue after the individual ceases to receive payments under this section may be considered assigned to the state. Any money that is received by the department of children and families under an assignment to the state under this paragraph and that is not the federal share of support shall be paid to the custodial parent. The department of children and families shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

SECTION 1369c. 49.775 (2) (bm) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

49.775 (2) (bm) The custodial parent assigns to the state any right of the custodial parent or of the dependent child to support from any other person accruing during the time that any payment under this subsection is made to the custodial parent. No amount of support that begins to accrue after the individual ceases to receive payments

under this section may be considered assigned to the state. Any Seventy-five percent of all money that is received by the department of children and families under an assignment to the state under this paragraph ~~and that is not the federal share of support~~ shall be paid to the custodial parent. The department of children and families shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

SECTION 1370. 49.775 (2m) of the statutes is created to read:

49.775 (2m) **DISREGARD OF SUPPORT.** In determining a custodial parent's eligibility under this section, the department shall, for purposes of determining the custodial parent's income, disregard any court-ordered support that is received by or owed to the custodial parent.

SECTION 1371. 49.776 of the statutes is created to read:

49.776 Payment of support arrears. If a custodial parent who formerly received payments under s. 49.775 but who is no longer receiving payments under s. 49.775 assigned to the state under s. 49.775 (2) (bm) his or her right or the right of the dependent child to support from any other person, the department shall pay to the custodial parent all money in support arrears that is collected by the department after the custodial parent's receipt of payments under s. 49.775 ceased and that accrued while the custodial parent was receiving those payments.

SECTION 1371p. 49.78 (8) (a) of the statutes is amended to read:

49.78 (8) (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and subject to par. (b), the department shall reimburse each county and tribal governing body that contracts with the department under sub. (2) for reasonable costs of administering the income maintenance programs, including conducting fraud prevention activities. The amount of each reimbursement paid under this paragraph shall be calculated using a formula based on workload within the limits of available state and federal funds under s. 20.435 (4) (bn) and (nn) by contract under sub. (2). The amount of reimbursement calculated under this paragraph and par. (b) is in addition to any reimbursement provided to a county or tribal governing body for fraud and error reduction under s. 49.197 or 49.845.

SECTION 1371r. 49.78 (8) (c) of the statutes is created to read:

49.78 (8) (c) From the appropriation under s. 20.435 (4) (np), the department shall provide supplemental funding to tribal governing bodies and counties for administration of the food stamp program. During the 2009-11 fiscal biennium, the department shall allocate \$4,550,000 of the total funding under this paragraph among tribal governing bodies and counties other than counties having populations of 500,000 or more for food stamp program administration and shall allocate the remainder of the

federal funding for the department's administration of the food stamp program in Milwaukee County.

SECTION 1371s. 49.78 (8) (c) of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 1376. 49.797 (2) (a) of the statutes is amended to read:

49.797 (2) (a) ~~Except Notwithstanding s. 46.028 and except~~ as provided in par. (b) and sub. (8), the department shall administer a statewide program to deliver food stamp benefits to recipients of food stamp benefits by an electronic benefit transfer system. All suppliers, as defined in s. 49.795 (1) (d), may participate in the delivery of food stamp benefits under the electronic benefit transfer system. The department shall explore methods by which nontraditional retailers, such as farmers' markets, may participate in the delivery of food stamp benefits under the electronic benefit transfer system.

SECTION 1376g. 49.826 of the statutes is created to read:

49.826 Administration of child care provider services in certain counties. (1) DEFINITIONS. In this section:

(a) "County" means a county having a population of 500,000 or more.

(b) "Department" means the department of children and families.

(c) "Secretary" means the secretary of children and families.

(d) "Unit" means the child care provider services unit.

(2) ESTABLISHMENT OF UNIT. (a) The department may establish a child care provider services unit under s. 15.02 (3) (c) 3. to perform any of the following administrative functions under the program under s. 49.155 in a county:

1. Certify day care providers under s. 48.651.

2. Provide child care program integrity services under s. 49.197 (2).

3. Annually perform a survey of market child care rates, as directed by the department, and determine maximum reimbursement rates, if the department so directs.

4. Assist individuals who are eligible for child care subsidies under s. 49.155 to identify available child care providers and select appropriate child care arrangements.

(b) The department may enter into a contract with a county that provides for the performance by the county of any of the administrative functions under this subsection in the county.

(c) The department shall reimburse a county for all approved, allowable costs that are incurred by the county under a contract with the department under par. (b).

(3) DIVISION OF EMPLOYMENT-RELATED FUNCTIONS.

(a) Supervisory personnel in the unit shall be state employees. Nonsupervisory staff performing services under this section for the unit in a county may be a combination of state employees and employees of the county. For the performance of services under this section for the

unit, a county shall maintain no fewer represented authorized full-time employee positions than the number of represented full-time employee positions that were authorized on February 1, 2009, for performance of the same types of services.

(b) 1. The department shall have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline, and adjust grievances with respect to, and state supervisory employees may supervise, county employees performing services under this section for the unit.

2. For the purposes under subd. 1., the department shall use the same process and procedures under ch. 230 that are used for the classified service of the state civil service system, including specifically the use of probationary periods under s. 230.28.

3. County employees performing services under this section for the unit in a county shall be subject to the residency requirements that apply to other county employees under the county's civil service rules.

4. The department may enter into a memorandum of understanding, as described under s. 111.70 (3p), with the certified representative of the county employees performing services under this section in the county for the unit. If there is a dispute as to hours or conditions of employment that remains between the department and the certified representative after a good faith effort to resolve it, the department may unilaterally resolve the dispute.

(c) A county shall perform all administrative tasks related to payroll and benefits for the county employees performing services under this section in the county for the unit.

(4) TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO STATE EMPLOYEE POSITIONS IN THE UNIT. All of the following shall apply to an employee who is appointed to a state employee position in the unit after the effective date of this subsection [LRB inserts date], and who, immediately prior to his or her appointment, was a county employee:

(a) The employee shall serve any applicable probationary period under s. 230.28, but shall have his or her seniority with the state computed by treating the employee's total service with the county as state service.

(b) Annual leave for the employee shall accrue at the rate provided in s. 230.35 using the employee's state service computed under par. (a).

(c) 1. The employee may remain a participating employee in the retirement system established under chapter 201, laws of 1937. To remain under the retirement system established under chapter 201, laws of 1937, the employee must exercise this option in writing, on a form provided by the department, at the time the employee is appointed to a state employee position. The employee shall exercise this option, in writing, no later than 10 days after the employee is appointed to a state

employee position. An employee's decision to remain a participating employee in the retirement system established under chapter 201, laws of 1937, is irrevocable during the period that the employee is holding a state employee position in the unit.

2. The secretary shall pay, on behalf of the employee, all required employer contributions under the retirement system established under chapter 201, laws of 1937.

(d) The employee shall have his or her sick leave accrued with the state computed by treating the employee's unused balance of sick leave accrued with the county as sick leave accrued in state service, but not to exceed the amount of sick leave the employee would have accrued in state service for the same period, if the employee is able to provide adequate documentation in accounting for sick leave used during the accrual period with the county. Sick leave that transfers under this paragraph is not subject to a right of conversion, under s. 40.05 (4) or otherwise, upon death or termination of creditable service for payment of health insurance benefits on behalf of the employee or the employee's dependents.

SECTION 1377. 49.83 of the statutes is amended to read:

49.83 Limitation on giving information. Except as provided under ~~ss. 49.25 and~~ 49.32 (9), (10), and (10m), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity and medical support liability services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not connected with the administration of the programs, except that the department of children and families may disclose such information to the department of revenue for the sole purpose of administering state taxes. Any person violating this section may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

SECTION 1382. 50.01 (1) (intro.) of the statutes is amended to read:

50.01 (1) (intro.) "Adult family home" means one of the following and does not include a place that is specified in sub. (1g) (a) to (d), (f), or (g):

SECTION 1383. 50.01 (1) (a) 1. of the statutes is amended to read:

50.01 (1) (a) 1. Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the chil-

~~dren are siblings, or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4.~~

SECTION 1384. 50.01 (1) (a) 2. of the statutes is amended to read:

50.01 (1) (a) 2. The private residence was licensed under s. 48.62 as a ~~foster home or treatment foster home~~ foster home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.

SECTION 1385. 50.01 (1) (b) of the statutes is amended to read:

50.01 (1) (b) A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident. "Adult family home" ~~does not include a place that is specified in sub. (1g) (a) to (d), (f) or (g).~~

SECTION 1386. 50.01 (1) (c) of the statutes is created to read:

50.01 (1) (c) A place in which the operator provides care, treatment, support, or service above the level of room and board to up to 2 adults.

SECTION 1387. 50.02 (1) of the statutes is amended to read:

50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform, statewide licensing, inspection, and regulation of community-based residential facilities and nursing homes as provided in this subchapter. The department shall certify, inspect, and otherwise regulate adult family homes, as specified under ~~ss. 50.031 and~~ 50.032 and shall license adult family homes, as specified under s. 50.033. Nothing in this subchapter may be construed to limit the authority of the department of commerce or of municipalities to set standards of building safety and hygiene, but any local orders of municipalities shall be consistent with uniform, statewide regulation of community-based residential facilities. The department may not prohibit any nursing home from distributing over-the-counter drugs from bulk supply. The department may consult with nursing homes as needed and may provide specialized consultations when requested by any nursing home, separate from its inspection process, to scrutinize any particular questions the nursing home raises. The department shall, by rule, define "specialized consultation".

SECTION 1389. 50.03 (5g) (cm) of the statutes is created to read:

50.03 (5g) (cm) If the department imposes a sanction on or takes other enforcement action against a community-based residential facility for a violation of this subchapter or rules promulgated under it, and the department subsequently conducts an on-site inspection of the community-based residential facility to review the community-based residential facility's action to correct the

violation, the department may impose a \$200 inspection fee on the community-based residential facility.

SECTION 1390. 50.031 of the statutes is created to read:

50.031 Certification of 1-bed and 2-bed adult family homes. (1) **DEFINITION.** In this section, "adult family home" has the meaning given in s. 50.01 (1) (c).

(2) **CERTIFICATION.** (a) After the date on which the family care benefit under s. 46.286 is first made available in a county, no person may operate an adult family home in that county that provides residential care to a recipient of supplemental security income under 42 USC 1381 to 1383c, a recipient of the family care benefit under s. 46.286, or a recipient of services under s. 46.27 (11), 46.275, 46.277, 46.278, or 46.2785, or under any other program operated under a waiver authorized by the secretary at the U.S. department of health and human services under 42 USC 1396n (b) or (c), unless the adult family home is certified by the department under par. (b) or (c).

(b) The department shall certify an adult family home upon determining that the adult family home satisfies standards established under sub. (3).

(c) The department shall certify an adult family home that was certified to receive payment for residential care under s. 46.27 (11), 46.275, 46.277, 46.278, or 46.2785 by a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 if the operator of the adult family home attests to all of the following:

1. That the adult family home was certified by the county department and is at the same location as when certified by the county department.

2. That the adult family home satisfies standards established under sub. (3).

(d) Certification under par. (b) or (c) shall be valid until revoked by the department.

(3) **STANDARDS.** The department shall establish standards for certification under this section.

(4) **INVESTIGATION.** The department may investigate complaints that an adult family home certified under this section violated a standard for certification under sub. (3).

(5) **REVOCAION.** The department may revoke the certification of an adult family home that is certified under this section if the adult family home violates a standard established under sub. (3).

(6) **FEE.** The department may charge a fee for certification under sub. (2) (a) and a fee for a certification under sub. (2) (b).

SECTION 1391. 50.032 (2) of the statutes is amended to read:

50.032 (2) **REGULATION.** Standards Except as provided in sub. (2d), standards for operation of certified adult family homes and procedures for application for certification, monitoring, inspection, decertification and appeal of decertification under this section shall be under rules promulgated by the department under s. 50.02 (2)

(am) 1. An adult family home certification is valid until decertified under this section. Certification is not transferable.

SECTION 1392. 50.032 (2d) of the statutes is created to read:

50.032 (2d) **ACCOMPANIMENT OR VISITATION.** If an adult family home has a policy on who may accompany or visit a patient, the adult family home shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1393. 50.033 (2) of the statutes is amended to read:

50.033 (2) **REGULATION.** Standards Except as provided in sub. (2d), standards for operation of licensed adult family homes and procedures for application for licensure, monitoring, inspection, revocation and appeal of revocation under this section shall be under rules promulgated by the department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until revoked under this section. Licensure is not transferable. The biennial licensure fee for a licensed adult family home is \$135 \$171, except that the department may, by rule, increase the amount of the fee. The fee is payable to the county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family home under sub. (1m) (b), and is payable to the department, on a schedule determined by the department if the department licenses the adult family home under sub. (1m) (b).

SECTION 1394. 50.033 (2d) of the statutes is created to read:

50.033 (2d) **ACCOMPANIMENT OR VISITATION.** If an adult family home has a policy on who may accompany or visit a patient, the adult family home shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1395. 50.033 (3) of the statutes is amended to read:

50.033 (3) **INVESTIGATION OF ALLEGED VIOLATIONS.** If the department or a licensing county department under sub. (1m) (b) is advised or has reason to believe that any person is violating this section or the rules promulgated under s. 50.02 (2) (am) 2., the department or the licensing county department shall make an investigation to determine the facts. For the purposes of this investigation, the department or the licensing county department may inspect the premises where the violation is alleged to occur. If the department or the licensing county department finds that the requirements of this section and of rules under s. 50.02 (2) (am) 2. are met, the department or the licensing county department may, if the premises are not licensed, license the premises under this section. If the department or the licensing county department finds that a person is violating this section or the rules

under s. 50.02 (2) (am) 2., the department or the licensing county department may institute an action under sub. (5). If the department takes enforcement action against an adult family home for violating this section or rules promulgated under s. 50.02 (2) (am) 2., and the department subsequently conducts an on-site inspection of the adult family home to review the adult family home's action to correct the violation, the department may impose a \$200 inspection fee on the adult family home.

SECTION 1396. 50.034 (3) (e) of the statutes is created to read:

50.034 (3) (e) If a residential care apartment complex has a policy on who may accompany or visit a patient, the residential care apartment complex shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1397. 50.034 (5t) of the statutes is created to read:

50.034 (5t) NOTICE OF LONG-TERM CARE OMBUDSMAN PROGRAM. A residential care complex shall post in a conspicuous location in the residential care apartment complex a notice, provided by the board on aging and long-term care, of the name, address, and telephone number of the Long-Term Care Ombudsman Program under s. 16.009 (2) (b).

SECTION 1398. 50.034 (10) of the statutes is created to read:

50.034 (10) INSPECTION FEE. If the department takes enforcement action against a residential care apartment complex for a violation of this section or rules promulgated under sub. (2), and the department subsequently conducts an on-site inspection of the residential care apartment complex to review the residential care apartment complex's action to correct the violation, the department may impose a \$200 inspection fee on the residential care apartment complex.

SECTION 1399. 50.035 (2d) of the statutes is created to read:

50.035 (2d) ACCOMPANIMENT OR VISITATION. If a community-based residential facility has a policy on who may accompany or visit a patient, the community-based residential facility shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1400. 50.037 (2) (a) of the statutes is renumbered 50.037 (2) (a) 1. and amended to read:

50.037 (2) (a) 1. ~~The~~ Except as provided in subd. 2., the biennial fee for a community-based residential facility is \$306 ~~\$389~~, plus a biennial fee of ~~\$39.60~~ \$50.25 per resident, based on the number of residents that the facility is licensed to serve.

SECTION 1401. 50.037 (2) (a) 2. of the statutes is created to read:

50.037 (2) (a) 2. The department may, by rule, increase the amount of the fee under subd. 1.

SECTION 1402. 50.04 (2d) of the statutes is created to read:

50.04 (2d) ACCOMPANIMENT OR VISITATION. If a nursing home has a policy on who may accompany or visit a patient, the nursing home shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1403. 50.04 (4) (dm) of the statutes is created to read:

50.04 (4) (dm) *Inspection fee.* If the department takes enforcement action against a nursing home, including an intermediate care facility for the mentally retarded, as defined in 42 USC 1396d (d), for a violation of this subchapter or rules promulgated under it or for a violation of a requirement under 42 USC 1396r, and the department subsequently conducts an on-site inspection of the nursing home to review the nursing home's action to correct the violation, the department may, unless the nursing home is operated by the state, impose a \$200 inspection fee on the nursing home.

SECTION 1411. 50.06 (2) (am) 2. b. of the statutes is amended to read:

50.06 (2) (am) 2. b. The individual who is consenting to the proposed admission is the spouse or domestic partner under ch. 770 of the incapacitated person.

SECTION 1412. 50.06 (3) (a) of the statutes is amended to read:

50.06 (3) (a) The spouse or domestic partner under ch. 770 of the incapacitated individual.

SECTION 1416. 50.09 (1) (f) 1. of the statutes is amended to read:

50.09 (1) (f) 1. Privacy for visits by spouse or domestic partner. If both spouses or both domestic partners under ch. 770 are residents of the same facility, ~~they the spouses or domestic partners~~ shall be permitted to share a room unless medically contraindicated as documented by the resident's physician or advanced practice nurse prescriber in the resident's medical record.

SECTION 1417. 50.14 (2) (am) of the statutes is amended to read:

50.14 (2) (am) For nursing homes, an amount not to exceed ~~\$75~~ \$150 in state fiscal year 2009-10, and, beginning in state fiscal year 2010-11, an amount not to exceed \$170.

SECTION 1417r. 50.35 of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

50.35 Application and approval. Application for approval to maintain a hospital shall be made to the department on forms provided by the department. On receipt of an application, the department shall, except as provided in s. 50.498, issue a certificate of approval if the applicant and hospital facilities meet the requirements

established by the department. The department shall issue a single certificate of approval for the University of Wisconsin Hospitals and Clinics Authority that applies to all of the Authority's inpatient and outpatient hospital facilities that meet the requirements established by the department and for which the Authority requests approval. For a free-standing pediatric teaching hospital, the department shall issue a single certificate of approval that applies to all of the hospital's inpatient and outpatient hospital facilities that meet the requirements established by the department and for which the hospital requests approval. Except as provided in s. 50.498, this approval shall be in effect until, for just cause and in the manner herein prescribed, it is suspended or revoked. The certificate of approval may be issued only for the premises and persons or governmental unit named in the application and is not transferable or assignable. The department shall withhold, suspend or revoke approval for a failure to comply with s. 165.40 (6) (a) 1. or 2., but, except as provided in s. 50.498, otherwise may not withhold, suspend or revoke approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or the rules and standards adopted by the department after giving a reasonable notice, a fair hearing and a reasonable opportunity to comply. Failure by a hospital to comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply under this section.

SECTION 1418. 50.36 (3j) of the statutes is created to read:

50.36 (3j) If a hospital has a policy on who may accompany or visit a patient, the hospital shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1419. 50.36 (4) of the statutes is amended to read:

50.36 (4) The department shall make or cause to be made such inspections and investigation, as are reasonably deemed necessary to obtain compliance with the rules and standards. It shall afford an opportunity for representatives of the hospitals to consult with members of the staff of the department concerning compliance and noncompliance with rules and standards. If the department takes enforcement action against a hospital for a violation of ss. 50.32 to 50.39, or rules promulgated or standards adopted under ss. 50.32 to 50.39, and the department subsequently conducts an on-site inspection of the hospital to review the hospital's action to correct the violation, the department may, unless the hospital is operated by the state, impose a \$200 inspection fee on the hospital.

SECTION 1419c. 50.36 (6) of the statutes is created to read:

50.36 (6) If the department receives a credible complaint that a pharmacy located in a hospital has violated its duty to dispense contraceptive drugs and devices

under s. 450.095 (2), the department shall refer the complaint to the department of regulation and licensing.

SECTION 1420. 50.49 (4) of the statutes is amended to read:

50.49 (4) LICENSING. INSPECTION AND REGULATION. Except as provided in sub. (6m), the department may register, license, inspect and regulate home health agencies as provided in this section. The department shall ensure, in its inspections of home health agencies, that a sampling of records from private pay patients are reviewed. The department shall select the patients who shall receive home visits as a part of the inspection. Results of the inspections shall be made available to the public at each of the regional offices of the department. If the department takes enforcement action against a home health agency for a violation of this section or rules promulgated under this section, and the department subsequently conducts an on-site inspection of the home health agency to review the home health agency's action to correct the violation, the department may impose a \$200 inspection fee on the home health agency.

SECTION 1421. 50.93 (5) of the statutes is created to read:

50.93 (5) INSPECTION FEE. If the department takes enforcement action against a hospice for a violation of this subchapter or rules promulgated under this subchapter, and the department subsequently conducts an on-site inspection of the hospice to review the hospice's action to correct the violation, the department may impose a \$200 inspection fee on the hospice.

SECTION 1422. 50.94 (3) (a) of the statutes is amended to read:

50.94 (3) (a) The spouse or domestic partner under ch. 770 of the person who is incapacitated.

SECTION 1423. 50.942 of the statutes is created to read:

50.942 Accompaniment or visitation. If a hospice has a policy on who may accompany or visit a patient, the hospice shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1424. 50.95 (1) of the statutes is amended to read:

50.95 (1) Standards Except as provided in s. 50.942, standards for the care, treatment, health, safety, rights, welfare and comfort of individuals with terminal illness, their families and other individuals who receive palliative care or supportive care from a hospice and the maintenance, general hygiene and operation of a hospice, which will permit the use of advancing knowledge to promote safe and adequate care and treatment for these individuals. These standards shall permit provision of services directly, as required under 42 CFR 418.56, or by contract under which overall coordination of hospice services is maintained by hospice staff members and the hospice retains the responsibility for planning and coor-

dination of hospice services and care on behalf of a hospice client and his or her family, if any.

SECTION 1424g. 51.01 (11m) of the statutes is created to read:

51.01 (11m) "Licensed mental health professional" has the meaning given in s. 632.89 (1) (dm).

SECTION 1424m. 51.06 (9) of the statutes is created to read:

51.06 (9) REPORT ON RELOCATIONS FROM SOUTHERN CENTER. Annually by October 1, the department shall submit to the members of the joint committee on finance a report on the status of individuals relocated from the southern center for the developmentally disabled to a community setting after the effective date of this subsection [LRB inserts date], that includes all of the following:

(a) An assessment of the impact that relocation has had on the health of individuals relocated in the previous 3 state fiscal years. Factors that the department may use to assess an individual's health status include an individual's weight, changes in medications, preventable hospitalizations and emergency room visits, incidence of chronic disease, and changes in performance of activities of daily living.

(b) A list of each setting in which each individual has lived in the previous 3 state fiscal years.

(c) Information on the involvement that guardians or family members of the individuals have had with the individuals in the previous state fiscal year.

(d) The cause of death for each individual who died in the previous state fiscal year.

SECTION 1424p. 51.06 (10) of the statutes is created to read:

51.06 (10) RELOCATIONS FROM SOUTHERN CENTER. (a) The department shall create a form on which a resident of the southern center for the developmentally disabled, or the resident's guardian, may indicate a preference for where the resident would like to live. The department shall make the form available to all residents of the southern center for the developmentally disabled and to their guardians. The department shall maintain the completed form with the resident's treatment records.

(b) The department shall ensure that, if a resident is to be relocated from the southern center for the developmentally disabled, members of the center staff who provide direct care for the resident are consulted in developing a residential placement plan for the resident.

(c) If a resident of the southern center for the developmentally disabled is relocated from the center after the effective date of this paragraph [LRB inserts date], the department shall provide the resident's guardian or, if the resident is a minor and does not have a guardian, the resident's parent information regarding the process for appealing the decision to relocate the resident and the process for filing a grievance regarding the decision.

SECTION 1424y. 51.15 (2) (intro.) of the statutes is amended to read:

51.15 (2) FACILITIES FOR DETENTION. (intro.) The law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall transport the individual, or cause him or her to be transported, for detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted under sub. (8) to any of the following facilities:

SECTION 1426. 51.22 (1) of the statutes is amended to read:

51.22 (1) Except as provided in s. 51.20 (13) (a) 4. or 5., any person committed under this chapter shall be committed to the county department under s. 51.42 or 51.437 serving the person's county of residence, and such county department shall authorize placement of the person in an appropriate facility for care, custody and treatment according to s. 51.42 (3) (as) ~~+~~ 1r or 51.437 (4rm) (a).

SECTION 1427. 51.22 (2) of the statutes is amended to read:

51.22 (2) Except for admissions that do not involve the department or a county department under s. 51.42 or 51.437 or a contract between a treatment facility and the department or a county department, admissions under ss. 51.10, 51.13, and 51.45 (10) shall be through the county department under s. 51.42 or 51.437 serving the person's county of residence, or through the department if the person to be admitted is a nonresident of this state. Admissions through a county department under s. 51.42 or 51.437 shall be made in accordance with s. 51.42 (3) (as) ~~+~~ 1r or 51.437 (4rm) (a). Admissions through the department shall be made in accordance with sub. (3).

SECTION 1427L. 51.30 (1) (ag) of the statutes is amended to read:

51.30 (1) (ag) "Health care provider" has the meaning given in s. 146.81 (1) ~~(a) to (p)~~.

SECTION 1427r. 51.30 (1) (b) of the statutes is amended to read:

51.30 (1) (b) "Treatment records" include the registration and all other records that are created in the course of providing services to individuals for mental illness, developmental disabilities, alcoholism, or drug dependence and that are maintained by the department; by county departments under s. 51.42 or 51.437 and their staffs; ~~and;~~ by treatment facilities; or by psychologists licensed under s. 455.04 (1) or licensed mental health professionals who are not affiliated with a county department or treatment facility. Treatment records do not include notes or records maintained for personal use by an individual providing treatment services for the department, a county department under s. 51.42 or 51.437, or a

treatment facility, if the notes or records are not available to others.

SECTION 1429. 51.30 (4) (b) 20. (intro.) of the statutes is amended to read:

51.30 (4) (b) 20. (intro.) Except with respect to the treatment records of a subject individual who is receiving or has received services for alcoholism or drug dependence, to the spouse, domestic partner under ch. 770, parent, adult child or sibling of a subject individual, if the spouse, domestic partner, parent, adult child or sibling is directly involved in providing care to or monitoring the treatment of the subject individual and if the involvement is verified by the subject individual's physician, psychologist or by a person other than the spouse, domestic partner, parent, adult child or sibling who is responsible for providing treatment to the subject individual, in order to assist in the provision of care or monitoring of treatment. Except in an emergency as determined by the person verifying the involvement of the spouse, domestic partner, parent, adult child or sibling, the request for treatment records under this subdivision shall be in writing, by the requester. Unless the subject individual has been adjudicated incompetent in this state, the person verifying the involvement of the spouse, domestic partner, parent, adult child or sibling shall notify the subject individual about the release of his or her treatment records under this subdivision. Treatment records released under this subdivision are limited to the following:

SECTION 1430. 51.30 (4) (cm) (intro.) of the statutes is amended to read:

51.30 (4) (cm) *Required access to certain information.* (intro.) Notwithstanding par. (a), treatment records of an individual shall, upon request, be released without informed written consent, except as restricted under par. (c), to the parent, child, sibling, ~~or spouse~~, or domestic partner under ch. 770 of an individual who is or was a patient at an inpatient facility; to a law enforcement officer who is seeking to determine whether an individual is on unauthorized absence from the facility; and to mental health professionals who are providing treatment to the individual at the time that the information is released to others. Information released under this paragraph is limited to notice as to whether or not an individual is a patient at the inpatient facility and, if the individual is no longer a patient at the inpatient facility, the facility or other place, if known, at which the individual is located. This paragraph does not apply under any of the following circumstances:

SECTION 1431. 51.30 (4) (cm) 1. of the statutes is amended to read:

51.30 (4) (cm) 1. To the individual's parent, child, sibling, ~~or spouse~~, or domestic partner under ch. 770 who is requesting information, if the individual has specifically requested that the information be withheld from the parent, child, sibling, ~~or spouse~~, or domestic partner.

SECTION 1431d. 51.30 (8) of the statutes is amended to read:

51.30 (8) GRIEVANCES. Failure to comply with any provisions of this section may be processed as a grievance under s. 51.61 (5), except that a grievance resolution procedure option made available to the patient, as required under s. 457.04 (8), applies to failures to comply by a licensed mental health professional who is not affiliated with a county department or treatment facility. However, use of the grievance procedure is not required before bringing any civil action or filing a criminal complaint under this section.

SECTION 1431g. 51.35 (1) (a) of the statutes is amended to read:

51.35 (1) (a) Subject to pars. (b) ~~and~~, (d), and (dm), the department or the county department under s. 51.42 or 51.437 may transfer any patient or resident who is committed to it, or who is admitted to a treatment facility under its supervision or operating under an agreement with it, between treatment facilities or from a treatment facility into the community if the transfer is consistent with reasonable medical and clinical judgment, consistent with s. 51.22 (5), and, if the transfer results in a greater restriction of personal freedom for the patient or resident, in accordance with par. (e). Terms and conditions that will benefit the patient or resident may be imposed as part of a transfer to a less restrictive treatment alternative. A patient or resident who is committed to the department or a county department under s. 51.42 or 51.437 may be required to take medications and receive treatment, subject to the right of the patient or resident to refuse medication and treatment under s. 51.61 (1) (g) and (h), through a community support program as a term or condition of a transfer. The patient or resident shall be informed at the time of transfer of the consequences of violating the terms and conditions of the transfer, including possible transfer back to a treatment facility that imposes a greater restriction on personal freedom of the patient or resident.

SECTION 1431i. 51.35 (1) (d) 1. of the statutes is amended to read:

51.35 (1) (d) 1. Subject to subd. 2. and par. (dm), the department may, without approval of the appropriate county department under s. 51.42 or 51.437, transfer any patient from a state treatment facility or other inpatient facility to an approved treatment facility which is less restrictive of the patient's personal freedom.

SECTION 1431k. 51.35 (1) (dm) of the statutes is created to read:

51.35 (1) (dm) The department may not exercise its authority under par. (a) or (d) 1. to transfer a resident of the southern center for the developmentally disabled to a less restrictive setting unless the resident's guardian or, if the resident is a minor and does not have a guardian, the

resident's parent provides explicit written approval and consent for the transfer.

SECTION 1432. 51.42 (3) (as) 1. of the statutes is renumbered 51.42 (3) (as) 1r. and amended to read:

51.42 (3) (as) 1r. A county department of ~~community programs~~ shall authorize all care of any patient in a state, local, or private facility under a contractual agreement between the county department of ~~community programs~~ and the facility, unless the county department of ~~community programs~~ governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the county department of ~~community programs~~ or its contract agency. In cases of emergency, a facility under contract with any county department of ~~community programs~~ shall charge the county department of ~~community programs~~ having jurisdiction in the county where the patient is found. The county department of ~~community programs~~ shall reimburse the facility for the actual cost of all authorized care and services less applicable collections under s. 46.036, unless the department of health services determines that a charge is administratively infeasible, or unless the department of health services, after individual review, determines that the charge is not attributable to the cost of basic care and services. Except as provided in subd. 1m., a county department of ~~community programs~~ may not reimburse any state institution or receive credit for collections for care received in a state institution by nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3), transfers from Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the guardianship of the department of children and families under s. 48.427 or 48.43 or under the supervision of the department of corrections under s. 938.183 or 938.355. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs that are attributable to care and treatment of the client.

SECTION 1433. 51.42 (3) (as) 1g. of the statutes is created to read:

51.42 (3) (as) 1g. In this paragraph, "county department" means county department of community programs.

SECTION 1434. 51.42 (3) (as) 1m. of the statutes is amended to read:

51.42 (3) (as) 1m. A county department of ~~community programs~~ shall reimburse a mental health institute at the institute's daily rate for custody of any person who is ordered by a court located in that county to be examined at the mental health institute under s. 971.14 (2) for all days that the person remains in custody at the mental health institute, beginning 48 hours, not including Saturdays, Sundays, and legal holidays, after the sheriff and

county department receive notice under s. 971.14 (2) (d) that the examination has been completed.

SECTION 1435. 51.42 (3) (as) 2. of the statutes is amended to read:

51.42 (3) (as) 2. If a mental health institute has provided a county department of ~~community programs~~ with service, the department of health services shall regularly bill collect for the cost of care from the county department of community programs, except as provided under subd. 2m. If collections for care from the county department and from other sources exceed current billings, the difference shall be remitted to the county department of ~~community programs~~ through the appropriation under s. 20.435 (2) (gk). For care provided on and after February 1, 1979, the department of health services shall adjust collections from medical assistance to compensate for differences between specific rate scales for care charged to the county department of ~~community programs~~ and the average daily medical assistance reimbursement rate. ~~Payment shall be due from the county department of community programs within 60 days of the billing date subject to provisions of the contract. If any payment has not been received within 60 days, the~~ The department of health services shall deduct all or part of the amount due from a county department under this subdivision from any payment due from the department of health services to the county department of ~~community programs~~.

SECTION 1436. 51.42 (3) (as) 2m. of the statutes is repealed.

SECTION 1437. 51.42 (3) (as) 3. of the statutes is amended to read:

51.42 (3) (as) 3. Care, services and supplies provided after December 31, 1973, to any person who, on December 31, 1973, was in or under the supervision of a mental health institute, or was receiving mental health services in a facility authorized by s. 51.08 or 51.09, but was not admitted to a mental health institute by the department of health services, shall be charged to the county department of ~~community programs~~ which was responsible for such care and services at the place where the patient resided when admitted to the institution. The department of health services may bill county departments of ~~community programs~~ for care provided at the mental health institutes at rates which the department of health services sets on a flexible basis, except that this flexible rate structure shall cover the cost of operations of the mental health institutes.

SECTION 1438. 51.421 (3) (e) of the statutes is amended to read:

51.421 (3) (e) Distribute, from the appropriation account under s. 20.435 ~~(7)~~ (5) (bL), moneys in each fiscal year for community support program services.

SECTION 1439. 51.423 (3) of the statutes is amended to read:

51.423 (3) From the appropriation account under s. 20.435 ~~(7)~~ (5) (bL), the department shall award one-time

grants to applying counties that currently do not operate certified community support programs, to enable uncertified community support programs to meet requirements for certification as providers of medical assistance services.

SECTION 1440. 51.423 (11) of the statutes is amended to read:

51.423 (11) Each county department under s. 51.42 or 51.437, or both, shall apply all funds it receives under subs. (1) to (7) to provide the services required under ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and accessibility of the persons in its jurisdiction, except that the county department may pay for inpatient treatment only with funds designated by the department for inpatient treatment. The county department may expand programs and services with county funds not used to match state funds under this section subject to the approval of the county board of supervisors in a county with a single-county department or the county boards of supervisors in counties with multi-county departments and with other local or private funds subject to the approval of the department and the county board of supervisors in a county with a single-county department under s. 51.42 or 51.437 or the county boards of supervisors in counties with a multicounty department under s. 51.42 or 51.437. The county board of supervisors in a county with a single-county department under s. 51.42 or 51.437 or the county boards of supervisors in counties with a multicounty department under s. 51.42 or 51.437 may delegate the authority to expand programs and services to the county department under s. 51.42 or 51.437. The county department under s. 51.42 or 51.437 shall report to the department all county funds allocated to the county department under s. 51.42 or 51.437 and the use of such funds. Moneys collected under s. 46.10 shall be applied to cover the costs of primary services, exceptional and specialized services or to reimburse supplemental appropriations funded by counties. County departments under ss. 51.42 and 51.437 shall include collections made on and after October 1, 1978, by the department that are subject to s. 46.10 (8m) (a) 3. and 4. and are distributed to county departments under ss. 51.42 and 51.437 from the appropriation account under s. 20.435 (7) (5) (gg), as revenues on their grant-in-aid expenditure reports to the department.

SECTION 1441. 51.437 (4rm) (d) of the statutes is created to read:

51.437 (4rm) (d) Notwithstanding pars. (a) to (c), for individuals receiving the family care benefit under s. 46.286, the care management organization that manages the family care benefit for the recipient shall pay the portion of the payment that is for services that are covered under the family care benefit; the department shall pay the remainder of the payment.

SECTION 1443f. 51.61 (1) (y) of the statutes is created to read:

51.61 (1) (y) Have the right, if provided services by a licensed mental health professional who is not affiliated with a county department or treatment facility, to be notified by the professional in writing of the grievance resolution procedure option that the professional makes available to the patient, as required under s. 457.04 (8).

SECTION 1443h. 51.61 (2) of the statutes is amended to read:

51.61 (2) A patient's rights guaranteed under sub. (1) (p) to (t) may be denied for cause after review by the director of the facility, and may be denied when medically or therapeutically contraindicated as documented by the patient's physician or, licensed psychologist, or licensed mental health professional in the patient's treatment record. The individual shall be informed in writing of the grounds for withdrawal of the right and shall have the opportunity for a review of the withdrawal of the right in an informal hearing before the director of the facility or his or her designee. There shall be documentation of the grounds for withdrawal of rights in the patient's treatment record. After an informal hearing is held, a patient or his or her representative may petition for review of the denial of any right under this subsection through the use of the grievance procedure provided in sub. (5) or, alternatively for review of the denial of a right by a licensed mental health professional who is not affiliated with a county department or treatment facility, through the use of one of the grievance resolution procedure options required under s. 457.04 (8). Alternatively, or in addition to the use of such the appropriate grievance procedure, a patient or his or her representative may bring an action under sub. (7).

SECTION 1443k. 51.61 (5) (e) of the statutes is created to read:

51.61 (5) (e) A licensed mental health professional who is not affiliated with a county department or treatment facility shall notify in writing each patient to whom the professional provides services of the procedure to follow to resolve a grievance. The notice shall provide an option that the professional makes available to the patient, as required under s. 457.04 (8). Paragraphs (a) and (b) do not apply to this paragraph.

SECTION 1443m. 51.61 (9) of the statutes is amended to read:

51.61 (9) ~~The~~ Except for grievance resolution procedure options specified under s. 457.04 (8) (a), (b), and (c), the department shall promulgate rules to implement this section.

SECTION 1444. Chapter 52 of the statutes is created to read:

CHAPTER 52 QUALITY HOME CARE

52.01 Definitions. In this chapter:

(1) "Authority" means the Wisconsin Quality Home Care Authority.

(2) "Board" means the board of directors of the authority.

(3) "Care management organization" has the meaning given in s. 46.2805 (1).

(3m) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

(4) "Department" means the department of health services.

(5) "Family Care Program" means the benefit program described in s. 46.286.

(6) "Home care provider" means an individual who is a qualified provider under s. 46.2898 (1) (f).

(7) "Medical assistance waiver program" means a program operated under a waiver from the secretary of the U.S. department of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

(8) "Program of All-Inclusive Care for the Elderly" means the program operated under 42 USC 1396u-4.

52.05 Creation and organization of authority. (1)

CREATION AND MEMBERSHIP OF BOARD. There is created a public body corporate and politic to be known as the "Wisconsin Quality Home Care Authority." The members of the board shall consist of the following members:

(a) The secretary of the department of health services or his or her designee.

(b) The secretary of the department of workforce development or his or her designee.

(c) The following, to be appointed by the governor to serve 3 year terms:

1. One representative from the state assembly.

2. One representative from the state senate.

3. One representative of care management organizations.

4. One representative of county departments, under 46.215, 46.22, 46.23, 51.42, or 51.437, selected from counties where the Family Care Program is not available.

5. One representative of the board for people with developmental disabilities.

6. One representative of the council on physical disabilities.

7. One representative of the council on mental health.

8. One representative of the board on aging and long-term care.

9. Eleven individuals, each of whom is a current or former recipient of home care services through the Family Care Program or a medical assistance waiver program or an advocate for or representative of consumers of home care services.

(3) CHAIRPERSON. Annually, the governor shall appoint one member of the board to serve as the chairperson.

(4) EXECUTIVE COMMITTEE. (a) The board shall elect an executive committee. The executive committee shall consist of the chair of the board, the secretary of the department of health services or his or her designee, the secretary of the department of workforce development or

his or her designee, and 3 persons selected from board members appointed under sub. (1) (c) 9.

(b) The executive committee may do the following:

1. Hire an executive director who is not a member of the board and serves at the pleasure of the board.

2. Hire employees to carry out the duties of the authority.

3. Engage in contracts for services to carry out the duties of the authority.

(5) TERM. The terms of members of the board appointed under sub. (1) (c) shall expire on July 1.

(6) QUORUM. A majority of the members of the board constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the board upon a vote of a majority of the members present. Meetings of the members of the board may be held anywhere within the state.

(7) VACANCIES. Each member of the board shall hold office until a successor is appointed and qualified unless the member vacates or is removed from his or her office. A member who serves as a result of holding another office or position vacates his or her office as a member when he or she vacates the other office or position. A member who ceases to qualify for office vacates his or her office. A vacancy on the board shall be filled in the same manner as the original appointment to the board for the remainder of the unexpired term, if any.

(8) COMPENSATION. The members of the board are not entitled to compensation for the performance of their duties. The authority may reimburse members of the board for actual and necessary expenses incurred in the discharge of their official duties as provided by the board.

(9) EMPLOYMENT OF BOARD MEMBER. It is not a conflict of interest for a board member to engage in private or public employment or in a profession or business, except to the extent prohibited by law, while serving as a member of the board.

52.10 Powers of authority. The authority shall have all the powers necessary or convenient to carry out the purposes and provisions of this chapter and s. 46.2898. In addition to all other powers granted the authority under this chapter, the authority may:

(1) Adopt policies and procedures to govern its proceedings and to carry out its duties as specified in this chapter.

(2) Employ, appoint, engage, compensate, transfer, or discharge necessary personnel.

(3) Make or enter into contracts, including contracts for the provision of legal or accounting services.

(4) Award grants for the purposes set forth in this chapter.

(5) Buy, lease, or sell real or personal property.

(6) Sue and be sued.

(7) Accept gifts, grants, or assistance funds and use them for the purposes of this chapter.

(8) Collect fees for its services.

52.20 Duties of authority. The authority shall:

(1) Establish and maintain a registry of eligible home care providers who choose to be on the registry for purposes of employment by consumers and provide referral services for consumers in need of home care services.

(2) Determine the eligibility of individuals for placement on the registry. For purposes of determining eligibility, the authority shall apply the criteria described in s. 46.2898 (1) (f), including any qualifying criteria established by the department under s. 46.2898 (7). The authority shall also develop an appeal process for denial of placement on or removal of a provider from the registry consistent with the terms of the medical assistance waiver programs, the Family Care Program, an amendment to the state medical assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the Elderly, as determined by the department.

(3) Comply with any conditions necessary for consumers receiving home care services to receive federal medical assistance funding through a medical assistance waiver program, the Family Care Program, an amendment to the state medical assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the Elderly.

(4) Develop and operate recruitment and retention programs to expand the pool of home care providers qualified and available to provide home care services to consumers.

(5) Maintain a list of home care providers included in a collective bargaining unit under s. 111.825 (2g) and provide the list of home care providers to the department at the department's request.

(6) Notify home care providers providing home care services of any procedures for remaining a qualified provider under s. 46.2898 (1) (f) set forth by the department or the authority.

(7) Provide orientation activities and skills training for home care providers.

(8) Provide training and support for consumers hiring a home care provider regarding the duties and responsibilities of employers and skills needed to be effective employers.

(9) Inform consumers of the experience and qualifications of home care providers on the registry and home care providers identified by consumers of home care services for employment.

(10) Develop and operate a system of backup and respite referrals to home care providers and a 24-hour per day call service for consumers of home care services.

(11) Report annually to the governor on the number of home care providers on the registry and the number of home care providers providing services under the authority.

(12) Conduct activities to improve the supply and quality of home care providers.

52.30 Liability limited. (1) The state, any political subdivision of the state, or any officer, employee, or agent of the state or a political subdivision who is acting within the scope of employment or agency is not liable for any debt, obligation, act, or omission of the authority.

(2) All expenses incurred by the authority in exercising its duties and powers under this chapter shall be payable only from funds of the authority.

52.40 Health data. Any health data or identifying information collected by the authority is collected for the purpose of government regulatory and management functions.

SECTION 1444m. 55.16 (2) (a) of the statutes is amended to read:

55.16 (2) (a) *Filing; services.* ~~An~~ Subject to par. (d), an individual under protective placement or receiving protective services, the individual's guardian, the individual's legal counsel or guardian ad litem, if any, the department, the county department that placed the individual or provided the protective services under an order of the court, an agency with which the county department contracts under s. 55.02 (2), or any interested person may file a petition at any time for modification of an order for protective services or protective placement. The petition shall be served on the individual, the individual's guardian, the individual's legal counsel and guardian ad litem, if any, and the county department.

SECTION 1444n. 55.16 (2) (d) of the statutes is created to read:

55.16 (2) (d) *Residents of southern center.* The department may not file a petition under par. (a) for modification of an order for protective placement to transfer a resident of the southern center for the developmentally disabled to a less restrictive setting unless the resident's guardian provides explicit written approval and consent for the transfer under s. 51.35 (1) (dm).

SECTION 1444v. 59.52 (30) of the statutes is created to read:

59.52 (30) **LIMITATION ON PERFORMANCE OF CONSTRUCTION WORK.** A county may not perform construction work, including road work, for a project that is directly or indirectly owned, funded, or reimbursed, in whole or in part, by a private person.

SECTION 1445. 59.58 (6) (a) 1. of the statutes is amended to read:

59.58 (6) (a) 1. "Authority" means the regional transit authority created under this subsection.

SECTION 1446m. 59.58 (6) (cg) of the statutes is repealed and recreated to read:

59.58 (6) (cg) No later than the first day of the 3rd month beginning after the effective date of this paragraph ... [LRB inserts date], the authority shall transfer to the southeastern regional transit authority under sub. (7) all revenues received under s. 59.58 (6) (cg) 1., 2007 stats., retained by the authority.

SECTION 1449. 59.58 (6) (f) of the statutes is created to read:

59.58 (6) (f) The authority shall terminate on the first day of the 3rd month beginning after the effective date of this paragraph [LRB inserts date].

SECTION 1449m. 59.58 (7) of the statutes is created to read:

59.58 (7) SOUTHEASTERN REGIONAL TRANSIT AUTHORITY. (a) In this subsection:

1. "Authority" means the southeastern regional transit authority created under this subsection.

2. "Bonds" means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued under this subsection.

3. "KRM commuter rail line" means a commuter rail transit system connecting the cities of Kenosha, Racine, and Milwaukee.

(b) There is created the southeastern regional transit authority, a public body corporate and politic and a separate governmental entity, consisting of the counties of Kenosha, Racine, and Milwaukee. This authority may transact business and exercise any powers granted to it under this subsection. The jurisdictional area of this authority is the geographic area formed by the combined territorial boundaries of the counties of Kenosha, Racine, and Milwaukee.

(c) 1. The powers of the authority shall be vested in its board of directors, consisting of the following members:

a. Two members from Milwaukee County, appointed by the Milwaukee County board chairperson.

b. Two members from the city of Milwaukee, appointed by the mayor of the city of Milwaukee.

c. One member from Racine County, appointed by the Racine County board chairperson.

d. One member from the city of Racine, appointed by the mayor of the city of Racine.

e. One member from Kenosha County, appointed by the Kenosha County board chairperson.

f. One member from the city of Kenosha, appointed by the mayor of the city of Kenosha.

g. One member from the authority's jurisdictional area, appointed by the governor.

2. A majority of the board of directors' full authorized membership constitutes a quorum for the purpose of conducting the authority's business and exercising its powers. Action may be taken by the board of directors upon a vote of a majority of the directors present and voting, unless the bylaws of the authority require a larger number.

(d) The authority shall have all powers necessary and convenient to create, construct, and manage a KRM commuter rail line and to contract for and provide transit service in Kenosha County and Racine County as specified in par. (k). A KRM commuter rail line shall include a stop at the point where the KRM commuter rail line intersects

National Avenue in the city of Milwaukee and a stop at the intersection of Lincoln Avenue and Bay Street in the city of Milwaukee.

(dm) A KRM commuter rail line may not include a stop in any municipality in the counties of Racine and Kenosha, other than in the city of Racine or the city of Kenosha, unless the municipality in which the stop is to be located provides for a sustainable mechanism to generate additional moneys for transit systems receiving funding under s. 85.20 that operate in Kenosha County or Racine County, as applicable.

(e) The authority may impose the fees under subch. XIII of ch. 77. From these fees, the authority shall transfer \$1 for each transaction to each of the cities of Racine and Kenosha, to support their respective transit systems, if each city, respectively, demonstrates that it has established a new funding source sufficient to generate revenues equal to or greater than the amounts to be transferred to each city under this subdivision. From the remaining fees, the authority may do all of the following:

1. Retain not more than \$2 for each transaction for administration of the authority.

2. Retain the difference between the amount of the fees imposed under subch. XIII of ch. 77 and the amount of those fees transferred under this paragraph or retained under subd. 1. for expenditures related to the KRM commuter rail line, including planning, construction, maintenance, operations, and engineering expenditures.

(f) 1. The authority may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.

2. The authority may issue bonds in an aggregate principal amount not to exceed \$50,000,000, excluding bonds issued to refund outstanding bonds issued under this subdivision, for the purpose of providing funds for the anticipated local funding share required for initiating KRM commuter rail line service.

3. Neither the authority's board of directors nor any person executing the bonds is personally liable on the bonds by reason of the issuance of the bonds.

4. The bonds of the authority are not a debt of the counties that comprise the authority. Neither these counties nor the state are liable for the payment of the bonds. The bonds of the authority shall be payable only out of funds or properties of the authority. The bonds of the authority shall state the restrictions contained in this subdivision on the face of the bonds.

5. Bonds of the authority shall be authorized by resolution of the authority's board of directors. The bonds may be issued under such a resolution or under a trust indenture or other security instrument. The bonds may be issued in one or more series and may be in the form of

coupon bonds or registered bonds under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest at the rates, be in the denominations, have the rank or priority, be executed in the manner, be payable in the medium of payment and at the places, and be subject to the terms of redemption, with or without premium, as the resolution, trust indenture, or other security instrument provides. Bonds of the authority are issued for an essential public and governmental purpose and are public instrumentalities and, together with interest and income, are exempt from taxes. The authority may sell the bonds at public or private sales at the price or prices determined by the authority. If a member of the authority's board of directors whose signature appears on any bonds or coupons ceases to be a member of the authority's board of directors before the delivery of such obligations, the member's signature shall, nevertheless, be valid for all purposes as if the member had remained a member until delivery of the bonds.

6. The authority may issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. The authority may issue refunding bonds at such time prior to the maturity or redemption of the refunded bonds as the authority deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium on the bonds, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by the resolution, trust indenture, or other security instruments. To the extent applicable, refunding bonds are subject to subd. 5.

(g) All moneys transferred under s. 59.58 (6) (cg) shall be used by the authority to assist in the planning of the KRM commuter rail line project.

(h) The authority's powers shall be limited to those specified in this subsection.

(i) The authority is the only entity in the counties of Milwaukee, Racine, and Kenosha that may submit an application to the federal transit administration in the U.S. department of transportation under the federal new starts grant program for funding for the KRM commuter rail line.

(j) The Milwaukee Transit Authority under s. 66.1038, and the operator of any transit system in Kenosha County or Racine County receiving funding under s. 85.20, shall provide copies of all of their annual and long-term transit plans to the southeastern regional transit authority as these plans become available.

(k) Upon a vote of approval by its governing body, any municipality in Kenosha County or Racine County in which a transit system eligible to receive funding

under s. 85.20 is operated may contract with the authority for the authority to provide transit services within the municipality.

SECTION 1449s. 59.69 (4c) of the statutes is amended to read:

59.69 (4c) CONSTRUCTION SITE ORDINANCE LIMITS. Except as provided in s. ~~401.1205 (5m)~~ 281.33 (3m) (f), an ordinance that is enacted under sub. (4) may only include provisions that are related to construction site erosion control if those provisions are limited to sites where the construction activities do not include the construction of a building.

SECTION 1450. 59.69 (15) (intro.) of the statutes is amended to read:

59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any municipality, shall be subject to the following criteria:

SECTION 1451. 59.69 (15) (intro.) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any municipality, shall be subject to the following criteria:

SECTION 1452. 59.69 (15) (bm) of the statutes is amended to read:

59.69 (15) (bm) A foster home ~~or a treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to pars. (a) and (b) except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies, religious associations, as defined in s. 157.061 (15), associations, or public agencies shall be subject to pars. (a) and (b).

SECTION 1453. 60.63 (intro.) of the statutes is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1)

(a) or (b), in any town shall be subject to the following criteria:

SECTION 1454. 60.63 (intro.) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town shall be subject to the following criteria:

SECTION 1455. 60.63 (3) of the statutes is amended to read:

60.63 (3) A foster home ~~or a treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subs. (1) and (2) except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subs. (1) and (2).

SECTION 1456. 60.85 (6) (am) of the statutes is created to read:

60.85 (6) (am) With regard to each district for which the department of revenue authorizes the allocation of a tax increment under par. (a), the department shall charge the town that created the district an annual administrative fee of \$150 that the town shall pay to the department no later than May 15.

SECTION 1457. 62.23 (7) (i) (intro.) of the statutes is amended to read:

62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 55(1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following criteria:

SECTION 1458. 62.23 (7) (i) (intro.) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following criteria:

SECTION 1459. 62.23 (7) (i) 2m. of the statutes is amended to read:

62.23 (7) (i) 2m. A foster home ~~or treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subs. 1. and 2. except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subs. 1. and 2.

SECTION 1459m. 62.50 (18) (a) of the statutes is renumbered 62.50 (18) and amended to read:

62.50 (18) No chief officer of either department or member of the fire department may be deprived of any salary or wages for the period of time suspended preceding an investigation or trial, unless the charge is sustained. ~~Except as provided in par. (b), no~~ No member of the police force may be ~~discharged or suspended under sub. (11) or (13) without pay or benefits until the matter that is the subject of the discharge or suspension is disposed of by the board or the time for appeal under sub. (13) passes without an appeal being made.~~

SECTION 1459n. 62.50 (18) (b) of the statutes is repealed.

SECTION 1460. 62.62 of the statutes is created to read:

62.62 Appropriation bonds for payment of employee retirement system liability in 1st class cities.

(1) DEFINITIONS. In this section:

(a) "Appropriation bond" means a bond issued by a city to evidence its obligation to repay a certain amount of borrowed money that is payable from all of the following:

1. Moneys annually appropriated by law for debt service due with respect to such appropriation bond in that year.

2. Proceeds of the sale of such appropriation bonds.

3. Payments received for that purpose under agreements and ancillary arrangements described in s. 62.621.

4. Investment earnings on amounts in subs. 1. to 3.

(b) "Bond" means any bond, note, or other obligation of a city issued under this section.

(c) "City" means a 1st class city.

(d) "Common Council" means the common council of a city.

(e) "Refunding bond" means an appropriation bond issued to fund or refund all or any part of one or more outstanding pension-related bonds.

(1m) LEGISLATIVE FINDING AND DETERMINATION. Recognizing that a city, by prepaying part or all of the city's unfunded prior service liability with respect to an employee retirement system of the city, may reduce its costs and better ensure the timely and full payment of retirement benefits to participants and their beneficiaries under the employee retirement system, the legislature finds and determines that it is in the public interest for the

city to issue appropriation bonds to obtain proceeds to pay its unfunded prior service liability.

(2) AUTHORIZATION OF APPROPRIATION BONDS. (a) A common council shall have all powers necessary and convenient to carry out its duties, and to exercise its authority, under this section.

(b) Subject to pars. (c) and (d), a common council may issue appropriation bonds under this section to pay all or any part of the city's unfunded prior service liability with respect to an employee retirement system of the city, or to fund or refund outstanding appropriation bonds issued under this section. A city may use proceeds of appropriation bonds to pay issuance or administrative expenses, to make deposits to reserve funds, to pay accrued or funded interest, to pay the costs of credit enhancement, to make payments under other agreements entered into under s. 62.621, or to make deposits to stabilization funds established under s. 62.621.

(c) Other than refunding bonds issued under sub. (6), all bonds must be issued simultaneously.

(d) 1. Before a city may issue appropriation bonds under par. (b), its common council shall enact an ordinance that establishes a 5-year strategic and financial plan related to the payment of all or any part of the city's unfunded prior service liability with respect to an employee retirement system of the city. The strategic and financial plan shall provide that future annual pension liabilities are funded on a current basis. The strategic and financial plan shall contain quantifiable benchmarks to measure compliance with the plan. The common council shall make a determination that the ordinance meets the requirements of this subdivision and, absent manifest error, the common council's determination shall be conclusive. The common council shall submit to the governor and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a copy of the strategic and financial plan.

2. Annually, the city shall submit to the governor, the department of revenue, and the department of administration, and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report that includes all of the following:

- a. The city's progress in meeting the benchmarks in the strategic and financial plan.
- b. Any proposed modifications to the plan.
- c. The status of any stabilization fund that is established under s. 62.622 (3).
- d. The most current actuarial report related to the city's employee retirement system.
- e. The amount, if any, by which the city's contributions to the employee retirement system for the prior year is less than the normal cost contribution for that year as specified in the initial actuarial report for the city's employee retirement system for that year.

f. The amount that the actuary determines is the city's required contribution to the employee retirement system for that year.

(2m) PENALTY FOR INADEQUATE CONTRIBUTION. If the city's contributions to the employee retirement system for the prior year is less than the lower of the required contribution for that year, as described in sub. (2) (d) 2. f., or the normal cost for that year, the department of revenue shall reduce and withhold the amount of the shared revenue payments to the city under subch. I of ch. 79, in the following year, by an amount equal to the difference between the required cost contribution for that prior year and the city's actual contribution in that prior year. The department of revenue shall deposit the amount of the reduced and withheld shared revenue payment into the city's employee retirement system.

(3) TERMS. (a) A city may borrow moneys and issue appropriation bonds in evidence of the borrowing pursuant to one or more written authorizing resolutions under sub. (4). Unless otherwise provided in an authorizing resolution, the city may issue appropriation bonds at any time, in any specific amounts, at any rates of interest, for any term, payable at any intervals, at any place, in any manner, and having any other terms or conditions that the common council considers necessary or desirable. Appropriation bonds may bear interest at variable or fixed rates, bear no interest, or bear interest payable only at maturity or upon redemption prior to maturity.

(b) The common council may authorize appropriation bonds having any provisions for prepayment the common council considers necessary or desirable, including the payment of any premium.

(c) Interest shall cease to accrue on an appropriation bond on the date that the appropriation bond becomes due for payment if payment is made or duly provided for.

(d) All moneys borrowed by a city that is evidenced by appropriation bonds issued under this section shall be lawful money of the United States, and all appropriation bonds shall be payable in such money.

(e) All appropriation bonds owned or held by a fund of the city are outstanding in all respects, and the common council or other governing body controlling the fund shall have the same rights with respect to an appropriation bond as a private party, but if any sinking fund acquires appropriation bonds that gave rise to such fund, the appropriation bonds are considered paid for all purposes and no longer outstanding and shall be canceled as provided in sub. (7) (d).

(f) A city shall not be generally liable on appropriation bonds, and appropriation bonds shall not be a debt of the city for any purpose whatsoever. Appropriation bonds, including the principal thereof and interest thereon, shall be payable only from amounts that the

common council may, from year to year, appropriate for the payment thereof.

(4) PROCEDURES. (a) No appropriation bonds may be issued by a city unless the issuance is pursuant to a written authorizing resolution adopted by a majority of a quorum of the common council. The resolution may be in the form of a resolution or trust indenture, and shall set forth the aggregate principal amount of appropriation bonds authorized thereby, the manner of their sale, and the form and terms thereof. The resolution or trust indenture may establish such funds and accounts, including a reserve fund, as the common council determines.

(b) Appropriation bonds may be sold at either public or private sale and may be sold at any price or percentage of par value. All appropriation bonds sold at public sale shall be noticed as provided in the authorizing resolution. Any bid received at public sale may be rejected.

(5) FORM. (a) As determined by the common council, appropriation bonds may be issued in book-entry form or in certificated form. Notwithstanding s. 403.104 (1), every evidence of appropriation bond is a negotiable instrument.

(b) Every appropriation bond shall be executed in the name of and for the city by the president of the common council and city clerk, and shall be sealed with the seal of the city, if any. Facsimile signatures of either officer may be imprinted in lieu of manual signatures, but the signature of at least one such officer shall be manual. An appropriation bond bearing the manual or facsimile signature of a person in office at the same time the signature was signed or imprinted shall be fully valid notwithstanding that before or after the delivery of such appropriation bond the person ceased to hold such office.

(c) Every appropriation bond shall be dated not later than the date it is issued, shall contain a reference by date to the appropriate authorizing resolution, shall state the limitation established in sub. (3) (f), and shall be in accordance with the appropriate authorizing resolution in all respects.

(d) An appropriation bond shall be substantially in such form and contain such statements or terms as determined by the common council, and may not conflict with law or with the appropriate authorizing resolution.

(6) REFUNDING BONDS. (a) 1. A common council may authorize the issuance of refunding appropriation bonds. Refunding appropriation bonds may be issued, subject to any contract rights vested in owners of the appropriation bonds being refunded, to refund all or any part of one or more issues of appropriation bonds notwithstanding that the appropriation bonds may have been issued at different times or issues of general obligation promissory notes under s. 67.12 (12) were issued to pay unfunded prior service liability with respect to an employee retirement system. The principal amount of the refunding appropriation bonds may not exceed the sum of: the principal amount of the appropriation bonds or general obligation

promissory notes being refunded; applicable redemption premiums; unpaid interest on the refunded appropriation bonds or general obligation promissory notes to the date of delivery or exchange of the refunding appropriation bonds; in the event the proceeds are to be deposited in trust as provided in par. (c), interest to accrue on the appropriation bonds or general obligation promissory notes to be refunded from the date of delivery to the date of maturity or to the redemption date selected by the common council, whichever is earlier; and the expenses incurred in the issuance of the refunding appropriation bonds and the payment of the refunded appropriation bonds or general obligation promissory notes.

2. A common council may authorize the issuance of general obligation promissory notes under s. 67.12 (12) (a) to refund appropriation bonds, notwithstanding s. 67.01 (9) (intro.).

(b) If a common council determines to exchange refunding appropriation bonds, they may be exchanged privately for, and in payment and discharge of, any of the outstanding appropriation bonds being refunded. Refunding appropriation bonds may be exchanged for such principal amount of the appropriation bonds being exchanged therefor as may be determined by the common council to be necessary or desirable. The owners of the appropriation bonds being refunded who elect to exchange need not pay accrued interest on the refunding appropriation bonds if and to the extent that interest is accrued and unpaid on the appropriation bonds being refunded and to be surrendered. If any of the appropriation bonds to be refunded are to be called for redemption, the common council shall determine which redemption dates are to be used, if more than one date is applicable and shall, prior to the issuance of the refunding appropriation bonds, provide for notice of redemption to be given in the manner and at the times required by the resolution authorizing the appropriation bonds to be refunded.

(c) 1. The principal proceeds from the sale of any refunding appropriation bonds shall be applied either to the immediate payment and retirement of the appropriation bonds or general obligation promissory notes being refunded or, if the bonds or general obligation promissory notes have not matured and are not presently redeemable, to the creation of a trust for, and shall be pledged to the payment of, the appropriation bonds or general obligation promissory notes being refunded.

2. If a trust is created, a separate deposit shall be made for each issue of appropriation bonds or general obligation promissory notes being refunded. Each deposit shall be with a bank or trust company authorized by the laws of the United States or of a state in which it is located to conduct banking or trust company business. If the total amount of any deposit, including moneys other than sale proceeds but legally available for such purpose, is less than the principal amount of the appropriation bonds or

general obligation promissory notes being refunded and for the payment of which the deposit has been created and pledged, together with applicable redemption premiums and interest accrued and to accrue to maturity or to the date of redemption, then the application of the sale proceeds shall be legally sufficient only if the moneys deposited are invested in securities issued by the United States or one of its agencies, or securities fully guaranteed by the United States, and only if the principal amount of the securities at maturity and the income therefrom to maturity will be sufficient and available, without the need for any further investment or reinvestment, to pay at maturity or upon redemption the principal amount of the appropriation bonds or general obligation promissory notes being refunded together with applicable redemption premiums and interest accrued and to accrue to maturity or to the date of redemption. The income from the principal proceeds of the securities shall be applied solely to the payment of the principal of and interest and redemption premiums on the appropriation bonds or general obligation promissory notes being refunded, but provision may be made for the pledging and disposition of any surplus.

3. Nothing in this paragraph may be construed as a limitation on the duration of any deposit in trust for the retirement of appropriation bonds or general obligation promissory notes being refunded that have not matured and that are not presently redeemable. Nothing in this paragraph may be constructed to prohibit reinvestment of the income of a trust if the reinvestments will mature at such times that sufficient moneys will be available to pay interest, applicable premiums, and principal on the appropriation bonds or general obligation promissory notes being refunded.

(7) FISCAL REGULATIONS. (a) All appropriation bonds shall be registered by the city clerk or city treasurer of the city issuing the appropriation bonds, or such other officers or agents, including fiscal agents, as the common council may determine. After registration, no transfer of an appropriation bond is valid unless made by the registered owner's duly authorized attorney, on the records of the city and similarly noted on the appropriation bond. The city may treat the registered owner as the owner of the appropriation bond for all purposes. Payments of principal and interest shall be by electronic funds transfer, check, share draft, or other draft to the registered owner at the owner's address as it appears on the register, unless the common council has otherwise provided. Information in the register is not available for inspection and copying under s. 19.35 (1). The common council may make any other provision respecting registration as it considers necessary or desirable.

(b) The common council may appoint one or more trustees or fiscal agents for each issue of appropriation bonds. The city treasurer may be designated as the trustee and the sole fiscal agent or as cofiscal agent for any issue

of appropriation bonds. Every other fiscal agent shall be an incorporated bank or trust company authorized by the laws of the United States or of the state in which it is located to conduct banking or trust company business. There may be deposited with a trustee, in a special account, moneys to be used only for the purposes expressly provided in the resolution authorizing the issuance of appropriation bonds or an agreement between the city and the trustee. The common council may make other provisions respecting trustees and fiscal agents as the common council considers necessary or desirable and may enter into contracts with any trustee or fiscal agent containing such terms, including compensation, and conditions in regard to the trustee or fiscal agent as the common council considers necessary or desirable.

(c) If any appropriation bond is destroyed, lost, or stolen, the city shall execute and deliver a new appropriation bond, upon filing with the common council evidence satisfactory to the common council that the appropriation bond has been destroyed, lost, or stolen, upon providing proof of ownership thereof, and upon furnishing the common council with indemnity satisfactory to it and complying with such other rules of the city and paying any expenses that the city may incur. The common council shall cancel the appropriation bond surrendered to the city.

(d) Unless otherwise directed by the common council, every appropriation bond paid or otherwise retired shall be marked "canceled" and delivered to the city treasurer, or to such other fiscal agent as applicable with respect to the appropriation bond, who shall destroy them and deliver a certificate to that effect to the city clerk.

(8) APPROPRIATION BONDS AS LEGAL INVESTMENTS. Any of the following may legally invest any sinking funds, moneys, or other funds belonging to them or under their control in any appropriation bonds issued under this section:

(a) The state, the investment board, public officers, municipal corporations, political subdivisions, and public bodies.

(b) Banks and bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations, and other persons carrying on a banking or insurance business.

(c) Personal representatives, guardians, trustees, and other fiduciaries.

(9) MORAL OBLIGATION PLEDGE. If the common council considers it necessary or desirable to do so, it may express in a resolution authorizing appropriation bonds its expectation and aspiration to make timely appropriations sufficient to pay the principal and interest due with respect to such appropriation bonds, to make deposits into a reserve fund created under sub. (4) (a) with respect to such appropriation bonds, to make payments under any agreement or ancillary arrangement entered into

under s. 62.621 with respect to such appropriation bonds, to make deposits into any stabilization fund established or continued under s. 62.622 with respect to such appropriation bonds, or to pay related issuance or administrative expenses.

(10) **APPLICABILITY.** This section does not apply if a city does not issue appropriation bonds as authorized under sub. (2).

SECTION 1461. 62.621 of the statutes is created to read:

62.621 Agreements and ancillary arrangements for certain notes and appropriation bonds. At the time of issuance or in anticipation of the issuance of appropriation bonds under s. 62.62, or general obligation promissory notes under s. 67.12 (12), to pay unfunded prior service liability with respect to an employee retirement system, or at any time thereafter so long as the appropriation bonds or general obligation promissory notes are outstanding, a 1st class city may enter into agreements or ancillary arrangements relating to the appropriation bonds or general obligation promissory notes, including trust indentures, liquidity facilities, remarketing or dealer agreements, letters of credit, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, and interest exchange agreements. Any payments made or amounts received with respect to any such agreement or ancillary arrangement shall be made from or deposited as provided in the agreement or ancillary arrangement.

SECTION 1462. 62.622 of the statutes is created to read:

62.622 Employee retirement system liability financing in 1st class cities; additional powers. (1) **DEFINITIONS.** In this section:

(a) "City" means a 1st class city.
 (b) "Common council" means the common council of a city.

(c) "Pension funding plan" means a strategic and financial plan related to the payment of all or part of a city's unfunded prior service liability with respect to an employee retirement system.

(d) "Trust" means a common law trust organized under the laws of this state, by the city, as settlor, pursuant to a formal, written, declaration of trust.

(2) **SPECIAL FINANCING ENTITIES, FUNDS, AND ACCOUNTS.** (a) To facilitate a pension funding plan and in furtherance thereof, a common council may create one or more of the following:

1. A trust.
2. A nonstock corporation under ch. 181.
3. A limited liability company under ch. 183.
4. A special fund or account of the city.

(b) An entity described under par. (a) has all of the powers provided to it under applicable law and the documents pursuant to which it is created and established. The powers shall be construed broadly in favor of effectuat-

ing the purposes for which the entity is created. A city may appropriate funds to such entities and to such funds and accounts, under terms and conditions established by the common council, consistent with the purposes for which they are created and established.

(3) **STABILIZATION FUNDS.** (a) To facilitate a pension funding plan a common council may establish a stabilization fund. Any such fund may be created as a trust, a special fund or account of the city established by a separate resolution or ordinance, or a fund or account created under an authorizing resolution or trust indenture in connection with the authorization and issuance of appropriation bonds under s. 62.62 or general obligation promissory notes under s. 67.12 (12). A city may appropriate funds for deposit to a stabilization fund established under this subsection.

(b) Moneys in a stabilization fund established under this subsection may be used, subject to annual appropriation by the common council, solely to pay principal or interest on appropriation bonds issued under s. 62.62 and general obligation promissory notes under s. 67.12 (12) issued in connection with a pension funding plan, for the redemption or repurchase of such appropriation bonds or general obligation promissory notes, to make payments under any agreement or ancillary arrangement entered into under s. 62.621 with respect to such appropriation bonds or general obligation promissory notes, or to pay annual pension costs other than normal costs. Moneys on deposit in a stabilization fund may not be subject to any claims, demands, or actions by, or transfers or assignments to, any creditor of the city, any beneficiary of the city's employee retirement system, or any other person, on terms other than as may be established in the resolution or ordinance creating the stabilization fund. Moneys on deposit in a stabilization fund established under this subsection may be invested and reinvested in the manner directed by the common council or pursuant to delegation by the common council as provided under s. 66.0603 (5).

SECTION 1463. 62.67 of the statutes is amended to read:

62.67 Uninsured motorist coverage; 1st class cities. A 1st class city shall provide uninsured motorist motor vehicle liability insurance coverage for motor vehicles owned by the city and operated by city employees in the course of employment. The coverage required by this section shall have at least the limits prescribed for uninsured motorist coverage under s. 632.32 (4) (a) 1.

SECTION 1463r. 63.03 (2) (r) of the statutes, as created by 2009 Wisconsin Act 15, is amended to read:

63.03 (2) (r) All staff performing services for the Milwaukee County enrollment services unit under s. 49.825 or for the child care provider services unit under s. 49.826.

SECTION 1463w. 66.0137 (4) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employees on a self-insured basis, the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.895 (9) to (16) (17), 632.896, and 767.513 (4).

SECTION 1464. 66.0137 (5) of the statutes is renumbered 66.0137 (5) (b) and amended to read:

66.0137 (5) (b) The state or a local governmental unit may provide for the payment of premiums for hospital, surgical and other health and accident insurance and life insurance for employees and officers ~~and their spouses and dependent children, and their domestic partner under ch. 770 and dependent children.~~ A local governmental unit may also provide for the payment of premiums for hospital and surgical care for its retired employees. In addition, a local governmental unit may, by ordinance or resolution, elect to offer to all of its employees a health care coverage plan through a program offered by the group insurance board under ch. 40. A local governmental unit that elects to participate under s. 40.51 (7) is subject to the applicable sections of ch. 40 instead of this subsection.

SECTION 1465. 66.0137 (5) (a) of the statutes is created to read:

66.0137 (5) (a) In this subsection, "local governmental unit" includes the school district operating under ch. 119.

SECTION 1466. 66.0301 (1) (a) of the statutes is amended to read:

66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section "municipality" means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229, transit authority created under s. 66.1039, long-term care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, or city-county health department.

SECTION 1467. 66.0307 (7m) of the statutes is amended to read:

66.0307 (7m) ZONING IN TOWN TERRITORY. If a town is a party to a cooperative plan with a city or village, the

town and city or village may agree, as part of the cooperative plan, to authorize the town, city or village to adopt a zoning ordinance under s. 60.61, 61.35 or 62.23 for all or a portion of the town territory covered by the plan. The exercise of zoning authority by a town under this subsection is not subject to s. 60.61 (3) or 60.62 (3). If a county zoning ordinance applies to the town territory covered by the plan, that ordinance and amendments to it continue until a zoning ordinance is adopted under this subsection. If a zoning ordinance is adopted under this subsection, that zoning ordinance continues in effect after the planning period ceases until a different zoning ordinance for the territory is adopted under other applicable law. This subsection does not affect zoning ordinances adopted under ~~ss. s. 59.692, or 87.30 or 91.71 to 91.78~~ ch. 91.

SECTION 1468. 66.0602 (1) (b) of the statutes is amended to read:

66.0602 (1) (b) "Penalized excess" means the levy, in an amount that is at least \$500 over the limit under sub. (2) for the political subdivision, not including any amount that is excepted from the limit under subs. (3), (4), and (5).

SECTION 1469. 66.0602 (1) (d) of the statutes is amended to read:

66.0602 (1) (d) "Valuation factor" means a percentage equal to the greater of either ~~2~~ 3 percent or the percentage change in the political subdivision's January 1 equalized value due to new construction less improvements removed between the previous year and the current year. ~~Except as provided, no political subdivision may increase its levy in any year by a percentage that exceeds the political subdivision's valuation factor. In determining its levy in any year, a city, village, or town shall subtract any tax increment that is calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

SECTION 1470. 66.0602 (2) of the statutes is amended to read:

66.0602 (2) LEVY LIMIT. ~~Except as provided, no political subdivision may increase its levy in 2007 by a percentage that exceeds the political subdivision's valuation factor or 3.86 in subs. (3), (4), and (5), no political subdivision may increase its levy in any year by a percentage that exceeds the political subdivision's valuation factor. The base amount in any year, to which the limit under this section applies, shall be the maximum allowable levy for the immediately preceding year. In determining its levy in any year, a city, village, or town shall subtract any tax increment that is calculated under s. 59.57 (3) (a), 60.85 (1) (L), or 66.1105 (2) (i). The base amount in any year, to which the limit under this section applies, may not include any amount to which sub. (3) (e) 8. applies.~~

SECTION 1470s. 66.0602 (3) (cm) of the statutes is created to read:

66.0602 (3) (cm) If a political subdivision's allowable levy under this section in 2007 was greater than its actual levy in 2007, the levy increase limit otherwise

applicable under this section to the political subdivision in 2009 is increased by the difference between these 2 amounts, as determined by the department of revenue. In calculating a political subdivision's actual levy for 2007, the department may not include amounts that are excluded from the limit under pars. (d) 2. and 3., (e), and (h).

SECTION 1471. 66.0602 (3) (d) 5. of the statutes is created to read:

66.0602 (3) (d) 5. The limit otherwise applicable under this section does not apply to amounts levied by a 1st class city for the payment of debt service on appropriation bonds issued under s. 62.62, including debt service on appropriation bonds issued to fund or refund outstanding appropriation bonds of the city, to pay related issuance costs or redemption premiums, or to make payments with respect to agreements or ancillary arrangements authorized under s. 62.621.

SECTION 1471m. 66.0602 (3) (e) 8. of the statutes is created to read:

66.0602 (3) (e) 8. The amount that a political subdivision levies in that year to pay the unreimbursed expenses related to an emergency declared under s. 166.03 (1) (b) 1., including any amounts levied in that year to replenish cash reserves that were used to pay any unreimbursed expenses related to that emergency. A levy under this subdivision that relates to a particular emergency initially shall be imposed in the year in which the emergency is declared or in the following year.

SECTION 1471s. 66.0602 (3) (i) of the statutes is created to read:

66.0602 (3) (i) 1. If a political subdivision enters into an intergovernmental cooperation agreement under s. 66.0301 to jointly provide a service on a consolidated basis with another political subdivision, and if one of the political subdivisions increases its levy from the previous year by an amount the parties to the agreement agree is needed to provide a more equitable distribution of payments for services received, the levy increase limit otherwise applicable under this section to that political subdivision in the current year is increased by that agreed amount.

2. If a political subdivision increases its levy as described in subd. 1. the other political subdivision, which is a party to the intergovernmental cooperation agreement and has agreed to the adjustment under subd. 1., shall decrease its levy in the current year by the same amount that the first political subdivision is allowed to increase its levy under subd. 1.

SECTION 1472. 66.0602 (4) (a) of the statutes is amended to read:

66.0602 (4) (a) A political subdivision may exceed the levy increase limit under sub. (2) if its governing body adopts a resolution to that effect and if the resolution is approved in a referendum. The resolution shall specify the proposed amount of increase in the levy beyond the

amount that is allowed under sub. (2), and shall specify whether the proposed amount of increase is for the next fiscal year only or if it will apply on an ongoing basis. With regard to a referendum relating to the 2005 levy, or any levy in an odd-numbered year thereafter, the political subdivision may call a special referendum for the purpose of submitting the resolution to the electors of the political subdivision for approval or rejection. With regard to a referendum relating to the 2006 levy, or any levy in an even-numbered year thereafter, the referendum shall be held at the next succeeding spring primary or election or September primary or general election.

SECTION 1473. 66.0602 (6) (c) of the statutes is amended to read:

66.0602 (6) (c) Ensure that the amount of the penalized excess is not included in determining the limit described under sub. (2) for the political subdivision for the following year.

SECTION 1474. 66.0602 (7) of the statutes is created to read:

66.0602 (7) SUNSET. This section does not apply to a political subdivision's levy that is imposed after December 2010.

SECTION 1475. 66.0603 (1m) (f) of the statutes is created to read:

66.0603 (1m) (f) Subject to s. 67.11 (2) with respect to funds on deposit in a debt service fund for general obligation promissory notes issued under s. 67.12 (12), a 1st class city, or a person to whom the city has delegated investment authority under sub. (5), may invest and reinvest in the same manner as is authorized for investments and reinvestments under s. 881.01, any of the following:

1. Moneys held in any stabilization fund established under s. 62.622 (3).

2. Moneys held in a fund or account, including any reserve fund, created in connection with the issuance of appropriation bonds under s. 62.62 or general obligation promissory notes under s. 67.12 (12) issued to provide funds for the payment of all or a part of the city's unfunded prior service liability.

3. Moneys appropriated or held by the city to pay debt service on appropriation bonds or general obligation promissory notes under s. 67.12 (12).

4. Moneys constituting proceeds of appropriation bonds or general obligation promissory notes described in subd. 2. that are available for investment until they are spent.

5. Moneys held in an employee retirement system of the city.

SECTION 1476. 66.0603 (5) (intro.) and (a) of the statutes are amended to read:

66.0603 (5) DELEGATION OF INVESTMENT AUTHORITY IN CONNECTION WITH PENSION FINANCING IN POPULOUS CITIES AND COUNTIES. (intro.) The governing ~~board~~ body of a county having a population of 500,000 or more, or a 1st class city, may delegate investment authority over any of

the moneys described in sub. (1m) (e) or (f) to any of the following persons, which shall be responsible for the general administration and proper operation of the county's or city's employee retirement system, subject to the board's governing body's finding that such person has expertise in the field of investments:

(a) A public board that is organized for such purpose under county or city ordinances.

SECTION 1477. 66.0721 (1) (a) of the statutes is amended to read:

66.0721 (1) (a) "Agricultural use" has the meaning given in s. 91.01 (1) (2) and includes any additional agricultural uses of land, as determined by the town sanitary district or town.

SECTION 1478. 66.0721 (1) (b) of the statutes is amended to read:

66.0721 (1) (b) "Eligible farmland" means ~~a parcel of 35 or more acres of contiguous land which is devoted exclusively to agricultural use which during the year preceding the year in which the land is subject to a special assessment under this section produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years preceding the year in which the land is subject to a special assessment under this section, produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000 that is eligible for farmland preservation tax credits under ss. 71.58 to 71.61 or 71.613.~~

SECTION 1478r. 66.0903 (1) (a) of the statutes is amended to read:

66.0903 (1) (a) "Area" means the county in which a proposed project of public works that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, "area" means the entire state or, if the department is requested to review a determination under sub. (3) (br), "area" means the city, village or town in which a proposed project of public works that is subject to this section is located.

SECTION 1478t. 66.0903 (1) (am) of the statutes is created to read:

66.0903 (1) (am) "Bona fide economic benefit" has the meaning given in s. 103.49 (1) (am).

SECTION 1478v. 66.0903 (1) (d) of the statutes is amended to read:

66.0903 (1) (d) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing. "Local governmental unit" includes a local public body

and corporate created by constitution, statute, ordinance, rule, or order, including specifically a regional transit authority created under s. 66.1039, the Milwaukee Transit Authority created under s. 66.1038, and the southeastern regional transit authority created under s. 59.58 (7).

SECTION 1478x. 66.0903 (1) (dr) of the statutes is created to read:

66.0903 (1) (dr) "Minor service and maintenance work" means a project of public works that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years; the depositing of gravel on an existing gravel road applied solely to maintain the road; road shoulder maintenance; cleaning of drainage or sewer ditches or structures; or any other limited, minor work on public facilities or equipment that is routinely performed to prevent breakdown or deterioration.

SECTION 1479. 66.0903 (1) (e) of the statutes is repealed.

SECTION 1479p. 66.0903 (1) (g) 1. of the statutes is amended to read:

66.0903 (1) (g) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing ~~or~~ demolition, or improvement of any project of public works in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly, for a majority of the hours worked in the trade or occupation on projects in the area.

SECTION 1479r. 66.0903 (1) (g) 2. of the statutes is amended to read:

66.0903 (1) (g) 2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing ~~or~~ demolition, or improvement of any project of public works in any area means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest-paid 51% of hours worked in that trade or occupation on projects in that area.

SECTION 1479t. 66.0903 (1) (h) of the statutes is created to read:

66.0903 (1) (h) "Project of public works" means a project involving the erection, construction, repair, remodeling, demolition, or improvement, including any alteration, painting, decorating, or grading, of a public facility, including land, a building, or other infrastructure.

SECTION 1480. 66.0903 (1) (i) of the statutes is repealed.

SECTION 1480b. 66.0903 (1) (im) of the statutes is created to read:

66.0903 (1) (im) "Supply and installation contract" means a contract under which the material is installed by the supplier, the material is installed by means of simple fasteners or connectors such as screws or nuts and bolts and no other work is performed on the site of the project of public works, and the total labor cost to install the material does not exceed 20 percent of the total cost of the contract.

SECTION 1480c. 66.0903 (2) of the statutes is created to read:

66.0903 (2) **APPLICABILITY.** Subject to sub. (5), this section applies to any project of public works erected, constructed, repaired, remodeled, demolished, or improved for a local governmental unit, including all of the following:

(a) A highway, street, bridge, building, or other infrastructure project.

(b) A project erected, constructed, repaired, remodeled, demolished, or improved by one local governmental unit for another local governmental unit under a contract under s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically authorizing cooperation between local governmental units.

(c) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu of the local governmental unit contracting for the erection, construction, repair, remodeling, demolition, or improvement of the facility.

(d) A road, street, bridge, sanitary sewer, or water main project in which the completed road, street, bridge, sanitary sewer, or water main is acquired by, or dedicated to, a local governmental unit, including under s. 236.13 (2), for ownership or maintenance by the local governmental unit.

SECTION 1480e. 66.0903 (3) (am) of the statutes is amended to read:

66.0903 (3) (am) A local governmental unit, before making a contract ~~by direct negotiation~~ or soliciting bids on a contract, for the erection, construction, remodeling, repairing ~~or, demolition, or improvement~~ of any project of public works, ~~including a highway, street or bridge construction project,~~ shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work ~~contemplated under contemplation in the area in which the work is to be done.~~ The department shall conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on projects of public works that are subject to this section and to inform itself as to the prevailing wage rates in all areas of the state for those trades or occupations, in order to deter-

mine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the requesting local governmental unit.

SECTION 1480g. 66.0903 (3) (ar) of the statutes is amended to read:

66.0903 (3) (ar) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a ~~construction~~ project of public works extends into more than one area there shall be but one standard of prevailing wage rates for the entire project.

SECTION 1481. 66.0903 (3) (av) of the statutes is amended to read:

66.0903 (3) (av) In determining prevailing wage rates under par. (am) or (ar), the department may not use data from projects that are subject to this section, s. ~~66.0904~~, 103.49, or 103.50 or 40 USC ~~276a 3142~~ unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. ~~66.0904~~, 103.49, or 103.50 or 40 USC ~~276a 3142~~.

SECTION 1481f. 66.0903 (3) (br) of the statutes is amended to read:

66.0903 (3) (br) In addition to the recalculation under par. (bm), the local governmental unit that requested the determination under this subsection may request a review of any portion of a determination within 30 days after the date of issuance of the determination if the local governmental unit submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed project of public works is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed project of public works is located and on which some work has been performed during the current survey period and which were considered by the department in issuing its most recent compilation under par. (ar). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

SECTION 1481h. 66.0903 (3) (dm) of the statutes is amended to read:

66.0903 (3) (dm) A reference to the prevailing wage rates determined by the department or a local governmental unit exempted under sub. (6) and to the prevailing hours of labor shall be published in the notice issued for

the purpose of securing bids for the project of public works. If any contract or subcontract for a project of public works, ~~including a highway, street or bridge construction project,~~ is entered into, the prevailing wage rates determined by the department or exempted local governmental unit and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract, except that for a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force. No person performing the work described in sub. (4) may be paid less than the prevailing wage rate in the same or most similar trade or occupation determined under this subsection; nor may he or she be permitted to work a greater number of hours per day or per week than the prevailing hours of labor, unless he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay.

SECTION 1481j. 66.0903 (4) (a) 1. of the statutes is amended to read:

66.0903 (4) (a) 1. All laborers, workers, mechanics, and truck drivers employed on the site of a project of public works that is subject to this section.

SECTION 1481L. 66.0903 (4) (a) 2. of the statutes is amended to read:

66.0903 (4) (a) 2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project of public works that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project of public works that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

SECTION 1481m. 66.0903 (4) (b) 1. of the statutes is amended to read:

66.0903 (4) (b) 1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone that is to be immediately incorporated into the work, and not stockpiled or further transported by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the site of a project of public works that is subject to this section by depositing the material substantially in place, directly or through spreaders from the transporting vehicle.

SECTION 1481n. 66.0903 (4) (b) 2. of the statutes is amended to read:

66.0903 (4) (b) 2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project of public works that is subject to this section, pick up excavated material or spoil from the site of the project, and

transport that excavated material or spoil away from the site of the project.

SECTION 1482d. 66.0903 (5) of the statutes is renumbered 66.0903 (5) (intro.) and amended to read:

66.0903 (5) NONAPPLICABILITY. (intro.) This section does not apply to any ~~single-trade public works project, including a highway, street or bridge construction project,~~ of the following:

(a) A project of public works for which the estimated project cost of completion is below \$30,000 ~~or an amount determined by the department under this subsection or to any multiple-trade public works project, including a highway, street or bridge construction project, for which the estimated project cost of completion is below \$150,000 or an amount determined by the department under this subsection.~~ The department shall adjust those dollar amounts every year, the first adjustment to be made not sooner than December 1, 1997. The adjustments shall be in proportion to any change in construction costs since the effective date of the dollar amounts established under this subsection ~~\$25,000.~~

SECTION 1482f. 66.0903 (5) (b) of the statutes is created to read:

66.0903 (5) (b) A project of public works in which the labor for the project is provided by unpaid volunteers.

SECTION 1482j. 66.0903 (5) (c) of the statutes is created to read:

66.0903 (5) (c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

SECTION 1482L. 66.0903 (8) of the statutes is amended to read:

66.0903 (8) POSTING. For the information of the employees working on the project of public works, the prevailing wage rates determined by the department or exempted local governmental unit, the prevailing hours of labor, and the provisions of subs. (10) (a) and (11) (a) shall be kept posted by the local governmental unit in at least one conspicuous and easily accessible place on the site of the project or, if there is no common site on the project, at the place normally used by the local governmental unit to post public notices.

SECTION 1482n. 66.0903 (9) (b) of the statutes is amended to read:

66.0903 (9) (b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.

SECTION 1482p. 66.0903 (9) (c) of the statutes is amended to read:

66.0903 (9) (c) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each contractor shall file with the local governmental unit authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. A local governmental unit may not authorize a final payment until the affidavit is filed in proper form and order. If a local governmental unit authorizes a final payment before an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (4) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the local governmental unit withhold all or part of the final payment, but the local governmental unit fails to do so, the local governmental unit is liable for all back wages payable up to the amount of the final payment.

SECTION 1483d. 66.0903 (10) (a) of the statutes is amended to read:

66.0903 (10) (a) Each contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project of public works that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person performing the work described in sub. (4) and an accurate record of the number of hours worked by each of those persons and the actual wages paid for the hours worked.

SECTION 1483f. 66.0903 (10) (am) of the statutes is created to read:

66.0903 (10) (am) 1. Except as provided in this subdivision, by no later than the end of the first week of a month following a month in which a contractor, subcontractor, or contractor's or subcontractor's agent performs work on a project of public works that is subject to this section, the contractor, subcontractor, or agent shall submit to the department in an electronic format a certified record of the information specified in par. (a) for that preceding month. This requirement does not apply to a contractor, subcontractor, or agent if all persons employed by the contractor, subcontractor, or agent who are performing the work described in sub. (4) are covered under a collective bargaining agreement and the wage rates for those persons under the collective bargaining agreement are not less than the prevailing wage rate. In that case, the contractor, subcontractor, or agent shall submit to the department in an electronic format a copy of all collective bargaining agreements that are pertinent to the project of public works by no later than the end of the first week of the first month in which the contractor, subcontractor, or agent performs work on the project of public works.

2. The department shall post on its Internet site all certified records and collective bargaining agreements submitted to the department under subd. 1., except that the department may not post on that site the name of or any other personally identifiable information relating to any employee of a contractor, subcontractor, or agent that submits information to the department under subd. 1. In this subdivision, "personally identifiable information" does not include an employee's trade or occupation, his or her hours of work, or the wages paid for those hours worked.

SECTION 1483h. 66.0903 (10) (b) of the statutes is amended to read:

66.0903 (10) (b) The department or the contracting local governmental unit may demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep, and furnish upon request by the department or local governmental unit, copies of payrolls and other records and information relating to the wages paid to persons performing the work described in sub. (4) for work to which this section applies. The department may inspect records in the manner provided in ch. 103. Every contractor, subcontractor, or agent performing work on a project of public works that is subject to this section is subject to the requirements of ch. 103 relating to the examination of records.

SECTION 1484. 66.0903 (10) (c) of the statutes is amended to read:

66.0903 (10) (c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or agent performing work on a project of public works that is subject to this section to ensure compliance with this section. If In the case of a request made by a person performing the work specified in sub. (4), if the department finds that the contractor, subcontractor, or agent subject to the inspection is found to be in compliance and if the person making the request is a person performing the work specified in sub. (4) that the request is frivolous, the department shall charge the person making the request the actual cost of the inspection. If In the case of a request made by a person not performing the work specified in sub. (4), if the department finds that the contractor, subcontractor, or agent subject to the inspection is found to be in compliance and if the person making the request is not a person performing the work specified in sub. (4) that the request is frivolous, the department shall charge the person making the request \$250 or the actual cost of the inspection, whichever is greater. In order to find that a request is frivolous, the department 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 subject to the inspection, or that the person making the request knew, or should have known, that

there was no reasonable basis for believing that a violation of this section had been committed.

SECTION 1484f. 66.0903 (11) (a) of the statutes is renumbered 66.0903 (11) (a) 1. and amended to read:

66.0903 (11) (a) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional equal amount as liquidated damages. ~~An action to recover the liability may be maintained in any court of competent jurisdiction by any as provided under subd. 2., 3., or 4., whichever is applicable.~~

3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and in behalf of that employee and other employees similarly situated, may commence an action to recover that liability in any court of competent jurisdiction. In an action that is commenced before the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

5. No employee may be a party plaintiff to the an action under subd. 3. or 4. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

SECTION 1484g. 66.0903 (11) (a) 2. of the statutes is created to read:

66.0903 (11) (a) 2. If the department determines upon inspection under sub. (10) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated dam-

ages within a period specified by the department in the order.

SECTION 1484h. 66.0903 (11) (a) 4. of the statutes is created to read:

66.0903 (11) (a) 4. In an action that is commenced after the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 200 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

SECTION 1484i. 66.0903 (11) (b) 2. of the statutes is amended to read:

66.0903 (11) (b) 2. Whoever induces any person who seeks to be or is employed on any project of public works that is subject to this section to give up, waive, or return any part of the wages to which the person is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to a person for work on a project that is not subject to this section during a week in which the person works both on a project of public works that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

SECTION 1484v. 66.0903 (11) (b) 3. of the statutes is amended to read:

66.0903 (11) (b) 3. Any person employed on a project of public works that is subject to this section who knowingly permits a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a project of public works that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

SECTION 1485. 66.0903 (11) (b) 4. of the statutes is amended to read:

66.0903 (11) (b) 4. Whoever induces any person who seeks to be or is employed on any project of public works that is subject to this section to permit any part of the wages to which the person is entitled under the contract governing the project to be deducted from the person's pay is guilty of an offense under s. 946.15 (3), unless the

deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276e 3142.

SECTION 1486f. 66.0903 (11) (b) 5. of the statutes is amended to read:

66.0903 (11) (b) 5. Any person employed on a project of public works that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276e 3142.

SECTION 1486f. 66.0903 (12) (d) of the statutes is amended to read:

66.0903 (12) (d) Any person submitting a bid or negotiating a contract on a project of public works that is subject to this section shall, on the date the person submits the bid or negotiates the contract, identify any construction business in which the person, or a shareholder, officer or partner of the person, if the person is a business, owns, or has owned at least a 25% interest on the date the person submits the bid or negotiates the contract or at any other time within 3 years preceding the date the person submits the bid or negotiates the contract, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

SECTION 1487. 66.0904 of the statutes is created to read:

66.0904 Wage rates; publicly funded private construction projects. (1) DEFINITIONS. In this section:

(a) "Area" means the county in which a proposed publicly funded private construction project that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, "area" means the entire state or, if the department is requested to review a determination under sub. (4) (e), "area" means the city, village, or town in which a proposed publicly funded private construction project that is subject to this section is located.

(am) "Bona fide economic benefit" has the meaning given in s. 103.49 (1) (am).

(b) "Department" means the department of workforce development.

(c) "Direct financial assistance" means moneys, in the form of a grant or other agreement or included as part of a contract, cooperative agreement, or any other arrangement, including a redevelopment agreement under s. 66.1333 (5), economic development agreement,

contract under s. 66.1105 (3), or assistance provided under s. 66.1109, that a local governmental unit directly provides or otherwise directly makes available to assist in the erection, construction, repair, remodeling, demolition, or improvement of a private facility. "Direct financial assistance" does not include any of the following:

1. A public works contract, a supply procurement contract, a contract of insurance or guaranty, a collective bargaining agreement, or any other contract under which moneys are not directly provided or otherwise directly made available for that assistance.

2. Any moneys allocated by the city of Milwaukee for the purchase of public access easements that are located entirely in the Milwaukee Riverwalk Site Plan Review Overlay District established by the city of Milwaukee, as amended to June 1, 2009, or for the construction of dockwalls, walkways, plazas, parks, private roadways open to the public, or similar improvements, or for any other public infrastructure improvements, that are located entirely in that district, if the work on those improvements is subject to s. 66.0903 or is exempted from that section under s. 66.0903 (6).

(d) "Hourly basic rate of pay" has the meaning given in s. 103.49 (1) (b).

(e) "Insufficient wage data" has the meaning given in s. 103.49 (1) (bg).

(f) "Local governmental unit" has the meaning given in s. 66.0903 (1) (d).

(fm) "Minor service and maintenance work" means a publicly funded private construction project that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years; the depositing of gravel on an existing gravel road applied solely to maintain the road; road shoulder maintenance; cleaning of drainage or sewer ditches or structures; or any other limited, minor work on private facilities or equipment that is routinely performed to prevent breakdown or deterioration.

(g) "Prevailing hours of labor" has the meaning given in s. 103.49 (1) (c).

(h) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing, demolition, or improvement of any publicly funded private construction project in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly, for a majority of the hours worked in the trade or occupation on projects in the area.

2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing, demolition, or improvement of any publicly

funded private construction project in any area means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation on projects in that area.

(i) "Publicly funded private construction project" means a construction project in which the developer, investor, or owner of the project receives direct financial assistance from a local governmental unit for the erection, construction, repair, remodeling, demolition, or improvement, including any alteration, painting, decorating, or grading, of a private facility, including land, a building, or other infrastructure. "Publicly funded private construction project" does not include a project of public works, as defined in s. 66.0903 (1) (h), or a housing project involving the erection, construction, repair, remodeling, demolition, or improvement of any of the following:

1. An owner-occupied residential property, if the project is supported by affordable housing grants, home improvement grants, or grants from a local housing trust fund.

2. A residential property containing 4 dwelling units or less.

3. A residential property that contains no retail, office, or commercial components, if the project is intended to increase the supply of affordable housing in a community.

(im) "Supply and installation contract" means a contract under which the material is installed by the supplier, the material is installed by means of simple fasteners or connectors such as screws or nuts and bolts and no other work is performed on the site of the publicly funded private construction project, and the total labor cost to install the material does not exceed 20 percent of the total cost of the contract.

(j) "Truck driver" has the meaning given in s. 103.49 (1) (g).

(2) PREVAILING WAGE RATES AND HOURS OF LABOR. (a) Any owner or developer of real property who enters into a contract for the erection, construction, remodeling, repairing, demolition, or improvement of any publicly funded private construction project on that real property shall include in the contract a stipulation that no person performing the work described in sub. (3) may be permitted to work a greater number of hours per day or per week than the prevailing hours of labor, except that any such person may be permitted or required to work more than the prevailing hours of labor per day and per week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or she be paid

less than the prevailing wage rate determined under sub. (4) in the same or most similar trade or occupation in the area in which the publicly funded private construction project is situated.

(b) A reference to the prevailing wage rates determined under sub. (4) and the prevailing hours of labor shall be published in any notice issued for the purpose of securing bids for the publicly funded private construction project. If any contract or subcontract for a publicly funded private construction project that is subject to this section is entered into, the prevailing wage rates determined under sub. (4) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract, except that for a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

(3) COVERED EMPLOYEES. (a) Subject to par. (b), all of the following employees shall be paid the prevailing wage rate determined under sub. (4) and may not be permitted to work a greater number of hours per day or per week than the prevailing hours of labor, unless they are paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times their hourly basic rate of pay:

1. All laborers, workers, mechanics, and truck drivers employed on the site of a publicly funded private construction project that is subject to this section in the performance of erection, construction, remodeling, repair, demolition, or improvement activities for which direct financial assistance is received.

2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment for which direct financial assistance is received on the site of a publicly funded private construction project that is subject to this section or from a facility dedicated exclusively, or nearly so, to a publicly funded private construction project that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

(b) Notwithstanding par. (a) 1., a laborer, worker, mechanic, or truck driver who is regularly employed to process, manufacture, pick up, or deliver materials or products from a commercial establishment that has a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products is not entitled to receive the prevailing wage rate determined under sub. (4) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in

excess of the prevailing hours of labor unless any of the following apply:

1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone that is to be immediately incorporated into the work, and not stockpiled or further transported by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the site of a publicly funded private construction project that is subject to this section by depositing the material substantially in place, directly or through spreaders from the transporting vehicle.

2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a publicly funded private construction project that is subject to this section, pick up excavated material or spoil from the site of the project, and transport that excavated material or spoil away from the site of the project.

(c) A truck driver who is an owner-operator of a truck shall be paid separately for his or her work and for the use of his or her truck.

(4) INVESTIGATION; DETERMINATION. (a) Before the owner or developer of any publicly funded private construction project enters into a contract or solicits bids on a contract for the performance of any work to which this section applies, the owner or developer shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work under contemplation in the area in which the work is to be done. The department shall conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on publicly funded private construction projects that are subject to this section and to inform itself as to the prevailing wage rates in all areas of the state for those trades or occupations in order to determine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the owner or developer applying for the determination and with the local governmental unit providing direct financial assistance for the project. For the information of the employees working on the project, the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (2) and (9) shall be kept posted by the owner or developer in at least one conspicuous and easily accessible place on the site of the project.

(b) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a publicly funded private construction project that is subject to this section extends into

more than one area there shall be but one standard of prevailing wage rates for the entire private construction project.

(c) In determining prevailing wage rates under par. (a) or (b), the department may not use data from projects that are subject to this section, s. 66.0903, 103.49, or 103.50 or 40 USC 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 66.0903, 103.49, or 103.50 or 40 USC 3142.

(d) Any person may request a recalculation of any portion of an initial determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the initial determination does not represent the prevailing wage rate for that trade or occupation in the area. The evidence shall include wage rate information reflecting work performed by persons working in the contested trade or occupation in the area during the current survey period. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(e) In addition to the recalculation under par. (d), the owner or developer that requested the determination under this subsection may request a review of any portion of the determination within 30 days after the date of issuance of the determination if the owner or developer submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed publicly funded private construction project is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed publicly funded private construction project is located on which some work has been performed during the current survey period and which were considered by the department in issuing its most recent compilation under par. (b). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

(5) NONAPPLICABILITY. This section does not apply to any of the following:

(a) A publicly funded private construction project that receives less than \$1,000,000 in direct financial assistance from a local governmental unit.

(b) A publicly funded private construction project in which the labor for the project is provided by unpaid volunteers.

(c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

(6) EXEMPTIONS. The department, upon petition of any owner or developer contracting for a publicly funded private construction project that is subject to this section, shall issue an order exempting the owner or developer from applying to the department for a determination under sub. (4) when it is shown that the project is also subject to an ordinance or other enactment of a local governmental unit that sets forth standards, policy, procedure, and practice resulting in standards as high or higher than those under this section.

(7) COMPLIANCE. (a) When the department finds that an owner or developer has not requested a determination under sub. (4) (a) or that an owner, developer, contractor, or subcontractor has not physically incorporated a determination into a contract or subcontract as required under sub. (2) (b) or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (2) (b), the department shall notify the owner, developer, contractor, or subcontractor of the noncompliance and shall file the determination with the owner, developer, contractor, or subcontractor within 30 days after the notice.

(b) Upon completion of a publicly funded private construction project that is subject to this section and before receiving final payment for his or her work on the private construction project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.

(c) Upon completion of a publicly funded private construction project that is subject to this section and before receiving final payment for his or her work on the project, each contractor shall file with the owner or developer contracting for the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. An owner or developer may not authorize a final payment until the affidavit is filed in proper form and order. If an owner or developer authorizes a final payment before the affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (3) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the owner or developer withhold all or part of the final payment, but the owner or developer fails to do so, the owner or developer is liable for all back wages payable up to the amount of the final payment.

(8) RECORDS: INSPECTION: ENFORCEMENT. (a) Each contractor, subcontractor, or agent performing work on a publicly funded private construction project that is sub-

ject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person performing the work described in sub. (3) and an accurate record of the number of hours worked by each of those persons and the actual wages paid for the hours worked.

(am) 1. Except as provided in this subdivision, by no later than the end of the first week of a month following a month in which a contractor, subcontractor, or contractor's or subcontractor's agent performs work on a publicly funded private construction project that is subject to this section, the contractor, subcontractor, or agent shall submit to the department in an electronic format a certified record of the information specified in par. (a) for that preceding month. This requirement does not apply to a contractor, subcontractor, or agent if all persons employed by the contractor, subcontractor, or agent who are performing the work described in sub. (3) are covered under a collective bargaining agreement and the wage rates for those persons under the collective bargaining agreement are not less than the prevailing wage rate. In that case, the contractor, subcontractor, or agent shall submit to the department in an electronic format a copy of all collective bargaining agreements that are pertinent to the project by no later than the end of the first week of the first month in which the contractor, subcontractor, or agent performs work on the project of public works.

2. The department shall post on its Internet site all certified records and collective bargaining agreements submitted to the department under subd. 1., except that the department may not post on that site the name of or any other personally identifiable information relating to any employee of a contractor, subcontractor, or agent that submits information to the department under subd. 1. In this subdivision, "personally identifiable information" does not include an employee's trade or occupation, his or her hours of work, or the wages paid for those hours worked.

(b) The department or the local governmental unit providing direct financial assistance for a publicly funded private construction project may demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep, and furnish upon request by the department or local governmental unit, copies of payrolls and other records and information relating to the wages paid to persons performing the work described in sub. (3) for work to which this section applies. The department may inspect records in the manner provided in ch. 103. Every contractor, subcontractor, or agent performing work on a publicly funded private construction project that is subject to this section is subject to the requirements of ch. 103 relating to the examination of records. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

(c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or contractor's or subcontractor's agent performing work on a publicly funded private construction project that is subject to this section to ensure compliance with this section. In the case of a request made by a person performing the work specified in sub. (3), if the department finds that the contractor, subcontractor, or agent subject to the inspection is in compliance and that the request is frivolous, the department shall charge the person making the request the actual cost of the inspection. In the case of a request made by a person not performing the work specified in sub. (3), if the department finds that the contractor, subcontractor, or agent subject to the inspection is in compliance and that the request is frivolous, the department shall charge the person making the request \$250 or the actual cost of the inspection, whichever is greater. In order to find that a request is frivolous, the department 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 subject to the inspection, or that the person making the request knew, or should have known, that there was no reasonable basis for believing that a violation of this section had been committed.

(d) Section 103.005 (5) (f), (11), (12), and (13) applies to this section, except that s. 103.005 (12) (a) does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (4) (a) or (b). Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section, including proceedings under sub. (9) (a).

(9) LIABILITY AND PENALTIES. (a) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (4) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided in subd. 2., 3., or 4., whichever is applicable.

2. If the department determines upon inspection under sub. (8) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (4) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid over-

time compensation as liquidated damages within a period specified by the department in the order.

3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and in behalf of that employee and other employees similarly situated may commence an action to recover that liability in any court of competent jurisdiction. In an action that is commenced before the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (4) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

4. In an action that is commenced after the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (4) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 200 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

5. No employee may be a party plaintiff to an action under subd. 3. or 4. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

(b) 1. Except as provided in subds. 2., 4., and 6., any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not more than \$200 or imprisoned for not more than 6 months or both. Each day that any violation continues is considered a separate offense.

2. Whoever induces any person who seeks to be or is employed on any publicly funded private construction project that is subject to this section to give up, waive, or return any part of the wages to which the person is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to a person for work on a project that is not subject to this sec-

tion during a week in which the person works both on a publicly funded private construction project that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

3. Any person employed on a publicly funded private construction project that is subject to this section who knowingly permits a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a publicly funded private construction project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

4. Whoever induces any person who seeks to be or is employed on any publicly funded private construction project that is subject to this section to permit any part of the wages to which the person is entitled under the contract governing the project to be deducted from the person's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 3142.

5. Any person employed on a publicly funded private construction project that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 3142.

6. Subdivision 1. does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (4) (a) or (b).

(10) DEPARTMENT. (a) Except as provided under pars. (b) and (c), the department shall notify any owner or developer applying for a determination under sub. (4) and any owner or developer that is exempt under sub. (6) of the names of all persons whom the department has found to have failed to pay the prevailing wage rate determined under sub. (4) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor at any time in the preceding 3 years. The department shall include with each name the address of the person and shall specify when the person failed to pay the prevailing wage rate and when the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. An owner or developer may not

award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date on which the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.

(b) The department may not include in a notification under par. (a) the name of any person on the basis of having let work to a person whom the department has found to have failed to pay the prevailing wage rate determined under sub. (4) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(c) This subsection does not apply to any contractor, subcontractor, or contractor's or subcontractor's agent that in good faith commits a minor violation of this section, as determined on a case-by-case basis through administrative hearings with all rights to due process afforded to all parties or that has not exhausted or waived all appeals.

(d) Any person submitting a bid or negotiating a contract on a publicly funded private construction project that is subject to this section shall, on the date on which the person submits the bid, identify any construction business in which the person, or a shareholder, officer, or partner of the person, if the person is a business, owns, or has owned at least a 25 percent interest on the date the person submits the bid or at any other time within 3 years preceding the date on which the person submits the bid or negotiates the contract, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (4) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(e) The department shall promulgate rules to administer this subsection.

SECTION 1487t. 66.1038 of the statutes is created to read:

66.1038 Milwaukee Transit Authority. (1) DEFINITIONS. In this section, "authority" means the Milwaukee Transit Authority created under this section.

(2) CREATION. (a) There is created a Milwaukee Transit Authority, a public body corporate and politic and a separate governmental entity. The authority may transact business and exercise any powers granted to it under this section. The jurisdictional area of this authority is the geographic area formed by the territorial boundaries of Milwaukee County.

(b) The Milwaukee County board, by resolution by a majority vote, may authorize Milwaukee County to be a member of the authority.

(3) GOVERNANCE. (a) The powers of the authority shall be vested in its board of directors. Directors shall be appointed for 2-year terms. A majority of the board of directors' full authorized membership constitutes a quorum for the purpose of conducting the authority's business and exercising its powers. Action may be taken

by the board of directors upon a vote of a majority of the directors present and voting, unless the bylaws of the authority require a larger number.

(b) The board of directors of the authority consists of the following members:

1. Three members from Milwaukee County who are elected county officials, appointed by the Milwaukee County board chairperson.

2. Two members from the city of Milwaukee who are elected city officials, appointed by the mayor of the city of Milwaukee.

3. Two members from Milwaukee County, appointed by the governor.

(c) The bylaws of the authority shall govern its management, operations, and administration, consistent with the provisions of this section.

(4) **POWERS.** (a) Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch. 59 or 85, but subject to sub. (5), the authority may contract with Milwaukee County for the authority's provision of transit services within Milwaukee County if the contract is a long-term and ongoing contract. The authority shall have all powers necessary and convenient to carry out this purpose. Both the authority and Milwaukee County shall provide copies of all of their annual and long-term transit plans to the southeastern regional transit authority as these plans become available. The authority's powers shall be limited to those specified in this subsection and sub. (5).

(5) **RECEIPT OF TAX REVENUES.** (a) Subject to par. (b), the authority may receive the tax revenues authorized under s. 77.70 (2).

(b) Milwaukee County may impose the taxes under s. 77.70 (2) if all of the following apply:

1. The Milwaukee County board adopts a resolution under sub. (2) (b) to become a member of the authority.

2. The Milwaukee County board contracts with the authority for the authority to provide transit services in Milwaukee County.

(6) **BUDGETS; REVENUES; AUDIT.** The board of directors of the authority shall annually prepare a budget for the authority. Revenues of the authority shall be used only for the expenses and specific purposes of the authority. The authority shall maintain an accounting system in accordance with generally accepted accounting principles and shall have its financial statements audited annually by an independent certified public accountant.

(7) **OTHER STATUTES.** This section does not limit the powers of political subdivisions to enter into intergovernmental cooperation or contracts or to establish separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or otherwise to carry out their powers under applicable statutory provisions. Section 66.0803 (2) does not apply to the authority.

SECTION 1488. 66.1039 of the statutes is created to read:

66.1039 Transit authorities. (1) **DEFINITIONS.** In this section:

(a) "Authority" means a transit authority created under this section.

(b) "Bonds" means any bonds, interim certificates, notes, debentures, or other obligations of an authority issued under this section.

(c) "Common carrier" means any of the following:

1. A common motor carrier, as defined in s. 194.01 (1).

2. A contract motor carrier, as defined in s. 194.01 (2).

3. A railroad subject to ch. 195, as described in s. 195.02 (1) and (3).

4. A water carrier, as defined in s. 195.02 (5).

(d) "Comprehensive unified local transportation system" means a transportation system that is comprised of motor bus lines and any other local public transportation facilities, the major portion of which is located within, or the major portion of the service of which is supplied to the inhabitants of, the jurisdictional area of the authority.

(e) "Madison metropolitan planning area" means the metropolitan planning area, as defined in 23 USC 134 (b) (1), that includes the city of Madison.

(f) "Municipality" means any city, village, or town.

(g) "Participating political subdivision" means a political subdivision that is a member of an authority, either from the time of creation of the authority or by later joining the authority.

(h) "Political subdivision" means a municipality or county.

(i) "Transportation system" means all land, shops, structures, equipment, property, franchises, and rights of whatever nature required for transportation of passengers within the jurisdictional area of the authority and, only to the extent specifically authorized under this section, outside the jurisdictional area of the authority. "Transportation system" includes elevated railroads, subways, underground railroads, motor vehicles, motor buses, and any combination thereof, and any other form of mass transportation, but does not include transportation excluded from the definition of "common motor carrier" under s. 194.01 (1) or charter or contract operations to, from, or between points that are outside the jurisdictional area of the authority.

(2) **CREATION OF TRANSIT AUTHORITIES.** (b) *Dane County regional transit authority.* 1. The Dane County regional transit authority, a public body corporate and politic and a separate governmental entity, is created if the governing body of Dane County adopts a resolution authorizing the county to become a member of the authority. Once created, this authority may transact business and exercise any powers granted to it under this section.

2. If Dane County adopts a resolution under subd. 1., any municipality located in whole or in part within the Madison metropolitan planning area on January 1, 2003, shall be a member of the authority.

3. Any municipality located in whole or in part within Dane County that is not located in whole or in part within the Madison metropolitan planning area on January 1, 2003, may join the authority created under subd. 1. if the governing body of the municipality adopts a resolution to join the authority and the board of directors of the authority approves the municipality's joinder.

4. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the Madison metropolitan planning area combined with the territorial boundaries of all municipalities that join the authority under subd. 3.

5. For purposes of determining a municipality's territorial boundaries and the geographic area formed by the Madison metropolitan planning area, annexed territory that was subject to an unresolved challenge on January 1, 2003, shall not be considered part of the annexing municipality or the Madison metropolitan planning area.

6. If a municipality joins the authority after the authority is created, the authority shall provide the department of revenue with a certified copy of the resolution that approves the joining and the joining shall take effect on the first day of the calendar quarter that begins at least 120 days after the department receives the certified copy of the resolution. The authority shall also provide the department with a description of the new boundaries of the authority's jurisdictional area, as provided under sub. (4) (s) 2.

(c) *Chippewa Valley regional transit authority.* 1. The Chippewa Valley regional transit authority, a public body corporate and politic and a separate governmental entity, is created if the governing body of Eau Claire County adopts a resolution authorizing the county to become a member of the authority and the resolution is ratified by the electors at a referendum held in Eau Claire County. Once created, this authority may transact business and exercise any powers granted to it under this section.

2. If an authority is created under subd. 1., any municipality located in whole or in part within Eau Claire County shall be a member of the authority.

3. After an authority is created under subd. 1., Chippewa County may join the authority created under subd. 1. if the governing body of Chippewa County adopts a resolution to join the authority and the resolution is ratified by the electors at a referendum held in Chippewa County.

4. If Chippewa County joins an authority as provided in subd. 3., any municipality located in whole or in part within Chippewa County shall be a member of the authority.

5. The jurisdictional area of the authority created under this subsection is the territorial boundaries of Eau Claire County or, if Chippewa County also joins the authority as provided in subd. 3., the combined territorial boundaries of Eau Claire County and Chippewa County.

(e) *Chequamegon Bay regional transit authority.* 1. The Chequamegon Bay regional transit authority, a public body corporate and politic and a separate governmental entity, is created if the governing bodies of the counties of Ashland and Bayfield each adopt a resolution authorizing that county to become a member of the authority and each resolution is ratified by the electors at a referendum held in each county. Except as provided in subd. 2., once created, this authority shall consist of the counties of Ashland and Bayfield and any municipality located in whole or in part within these counties. Once created, this authority may transact business and exercise any powers granted to it under this section.

2. After an authority is created under subd. 1., any county other than Ashland County or Bayfield County may join this authority if the governing body of the county adopts a resolution authorizing the county to become a member of the authority, the resolution is ratified by the electors at a referendum held in the county, and the board of directors of the authority approves the county's joinder. If a county becomes a member of an authority under this subdivision, any municipality located in whole or in part within the county shall also be a member of the authority.

3. The jurisdictional area of the authority created under this subsection is the combined territorial boundaries of the counties of Ashland and Bayfield and any county that joins the authority under subd. 2.

4. If a county joins the authority under subd. 2. after it is created, the authority shall provide the department of revenue with a certified copy of the resolution that approves the joining, a certification of the referendum results ratifying this resolution, and a certified copy of the authority's board of directors approval. The county's joining of the authority shall take effect on the first day of the calendar quarter that begins at least 120 days after the department receives this information. The authority shall also provide the department with a description of the new boundaries of the authority's jurisdictional area, as provided under sub. (4) (s) 2.

(3) TRANSIT AUTHORITY GOVERNANCE. (a) The powers of an authority shall be vested in its board of directors. Directors shall be appointed for 4-year terms, except that directors appointed under par. (c) 5. shall serve 2-year terms. A majority of the board of directors' full authorized membership constitutes a quorum for the purpose of conducting the authority's business and exercising its powers. Action may be taken by the board of directors upon a vote of a majority of the directors present and vot-

ing, unless the bylaws of the authority require a larger number.

(c) If an authority is created under sub. (2) (b), the board of directors of the authority consists of the following members:

1. Two members from the Madison metropolitan planning area, appointed by the county executive and approved by the county board.

2. Two members appointed by the mayor of the city of Madison and approved by the common council.

3. One member appointed by the governor.

4. One member from each city, other than the city of Madison, with a population of more than 15,000 located in Dane County, appointed by the mayor of each such city and approved by the common council.

5. One member from a village within the jurisdictional area of the authority, or from a city within the jurisdictional area of the authority other than a city from which a member is appointed under subd. 2. or 4., appointed by the Dane County Cities and Villages Association. A member appointed under this subdivision may not serve more than one consecutive term. Board membership under this subdivision shall follow a rotating order of succession and every village or city eligible to have a member appointed from that village or city shall have such a member appointed before any village or city has an opportunity to have another member appointed under this subdivision.

(d) 1. If an authority is created under sub. (2) (c), the board of directors of the authority shall be determined by resolution of the governing body of Eau Claire County or, if Chippewa County also joins the authority as provided in sub. (2) (c) 3., by resolution of the governing bodies of Eau Claire County and Chippewa County, except that all of the following shall apply:

a. The board of directors shall consist of not more than 17 members.

b. The board of directors shall include at least 3 members from Eau Claire County, appointed by the county executive and approved by the county board.

c. If Chippewa County joins the authority as provided in sub. (2) (c) 3., the board of directors shall include at least 3 members from Chippewa County, appointed by the county executive and approved by the county board.

d. The board of directors shall include at least one member from the most populous city of each county that is a member, appointed by the mayor of the city and approved by the common council of the city.

e. The board of directors shall include at least one member from the authority's jurisdictional area, appointed by the governor.

2. If Chippewa County joins the authority as provided in sub. (2) (c) 3. and the governing bodies of Eau Claire County and Chippewa County are unable to agree upon a composition of the board of directors as specified in subd. 1., the board of directors of the authority shall be

limited to the minimum members specified in subd. 1. b. to e.

(f) 1. If an authority is created under sub. (2) (e), the board of directors of the authority shall be determined by resolution of the governing bodies of the counties of Ashland and Bayfield and of any county that joins the authority under sub. (2) (e) 2., except that all of the following shall apply:

a. The board of directors shall consist of not more than 17 members, unless the minimum number of members specified in this subd. 1. b. to d. exceeds 17.

b. The board of directors shall include at least 3 members each from the counties of Ashland and Bayfield and from any county that joins the authority under sub. (2) (e) 2., appointed by the county executive and approved by the county board.

c. The board of directors shall include at least one member from the most populous city of each county that is a member, appointed by the mayor of the city and approved by the common council of the city.

d. The board of directors shall include at least one member from the authority's jurisdictional area, appointed by the governor.

2. If the governing bodies of the counties of Ashland and Bayfield and of any county that joins the authority under sub. (2) (e) 2. are unable to agree upon a composition of the board of directors as specified in subd. 1., the board of directors of the authority shall be limited to the minimum members specified in subd. 1. b. to d.

(fm) If any provision of this subsection provides for the appointment of a member of an authority's board of directors by the mayor of a city that has no mayor, the appointment shall instead be made by the chairperson of the common council. If any provision of this subsection provides for the appointment of a member of an authority's board of directors by the county executive of a county that has no county executive, the appointment shall be made by the chairperson of the county board.

(g) The bylaws of an authority shall govern its management, operations, and administration, consistent with the provisions of this section, and shall include provisions specifying all of the following:

1. The functions or services to be provided by the authority.

2. The powers, duties, and limitations of the authority.

3. The maximum rate of the taxes that may be imposed by the authority under sub. (4) (s), not to exceed the maximum rate specified in s. 77.708 (1).

4. The composition of the board of directors of the authority, as determined under par. (d) or (f).

(4) POWERS. Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch. 59 or 85, an authority may do all of the following, to the extent authorized in the authority's bylaws:

(a) Establish, maintain, and operate a comprehensive unified local transportation system primarily for the transportation of persons.

(b) Acquire a comprehensive unified local transportation system and provide funds for the operation and maintenance of the system. Upon the acquisition of a comprehensive unified local transportation system, the authority may:

1. Operate and maintain it or lease it to an operator or contract for its use by an operator.

2. Contract for superintendence of the system with an organization that has personnel with the requisite experience and skill.

3. Delegate responsibility for the operation and maintenance of the system to an appropriate administrative officer, board, or commission of a participating political subdivision.

4. Maintain and improve railroad rights-of-way and improvements on these rights-of-way for future use.

(c) Contract with a public or private organization to provide transportation services in lieu of directly providing these services.

(d) Purchase and lease transportation facilities to public or private transit companies that operate within and outside the jurisdictional area.

(e) Apply for federal aids to purchase transportation facilities considered essential for the authority's operation.

(f) Coordinate specialized transportation services, as defined in s. 85.21 (2) (g), for residents who reside within the jurisdictional area and who are disabled or aged 60 or older, including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and 42 USC 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds administered by the county. An authority may contract with a county that is a participating political subdivision for the authority to provide specialized transportation services, but an authority is not an eligible applicant under s. 85.21 (2) (e) and may not receive payments directly from the department of transportation under s. 85.21.

(g) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property or service.

(h) Acquire property by condemnation using the procedure under s. 32.05 for the purposes set forth in this section.

(i) Enter upon any state, county, or municipal street, road, or alley, or any public highway for the purpose of installing, maintaining, and operating the authority's facilities. Whenever the work is to be done in a state, county, or municipal highway, street, road, or alley, the public authority having control thereof shall be duly notified, and the highway, street, road, or alley shall be restored to as good a condition as existed before the com-

mencement of the work with all costs incident to the work to be borne by the authority.

(j) Fix, maintain, and revise fees, rates, rents, and charges for functions, facilities, and services provided by the authority.

(k) Make, and from time to time amend and repeal, bylaws, rules, and regulations to carry into effect the powers and purposes of the authority.

(L) Sue and be sued in its own name.

(m) Have and use a corporate seal.

(n) Employ agents, consultants, and employees, engage professional services, and purchase such furniture, stationery, and other supplies and materials as are reasonably necessary to perform its duties and exercise its powers.

(o) Incur debts, liabilities, or obligations including the borrowing of money and the issuance of bonds under subs. (7) and (10).

(p) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities, and other investments as the authority deems proper in accordance with s. 66.0603 (1m).

(q) Do and perform any acts and things authorized by this section under, through, or by means of an agent or by contracts with any person.

(r) Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the authority, including providing for passenger safety.

(s) 1. Impose, by the adoption of a resolution by the board of directors, the taxes under subch. V of ch. 77 in the authority's jurisdictional area, except that no authority created under sub. (2) (b) may adopt such a resolution until a referendum is held in the authority's jurisdictional area on the question of whether the authority's board of directors may impose the taxes under subch. V of ch. 77 and the referendum is decided in the affirmative. If an authority adopts a resolution to impose the taxes, it shall deliver a certified copy of the resolution to the department of revenue at least 120 days before its effective date. The authority may, by adoption of a resolution by the board of directors, repeal the imposition of taxes under subch. V of ch. 77 and shall deliver a certified copy of the repeal resolution to the department of revenue at least 120 days before its effective date.

2. If an authority adopts a resolution to impose the tax, as provided in subd. 1., an authority shall specify to the department of revenue, as provided in this subdivision, the exact boundaries of the authority's jurisdictional area. If the boundaries are the same as the county lines on all sides of the authority's jurisdictional area, the resolution shall specify the county or counties that comprise the authority's entire jurisdictional area. If the boundaries are other than a county line on any side of the author-

ity's jurisdictional area, the authority shall provide the department with a complete list of all the 9-digit zip codes that are entirely within the authority's jurisdictional area and a complete list of all the street addresses that are within the authority's jurisdictional area and not included in any 9-digit zip code that is entirely within the authority's jurisdictional area. The authority shall provide a certified copy of the information required under this subdivision to the department, in the manner, format, and layout prescribed by the department, at least 120 days prior to the first day of the calendar quarter before the effective date of the tax imposed under subd. 1. If the boundaries of the authority's jurisdictional area subsequently change, the authority shall submit a certified copy of the information required under this subdivision to the department at least 120 days prior to the first day of the calendar quarter before the effective date of such change, in the manner, format, and layout prescribed by the department.

3. Notwithstanding subd. 1., an authority created under sub. (2) (c) may not impose the taxes authorized under subd. 1. unless the authorizing resolution under sub. (2) (c) 1. and, if applicable, sub. (2) (c) 3., as well as the referendum question on the referendum ballot specified in sub. (2) (c) 1. and, if applicable, sub. (2) (c) 3., clearly identifies the maximum rate of the taxes that may be imposed by the authority under subd. 1.

4. Notwithstanding subd. 1., an authority created under sub. (2) (e) may not impose the taxes authorized under subd. 1. unless the authorizing resolution under sub. (2) (e) 1. and, if applicable, subd. 2., as well as the referendum question on the referendum ballot specified in sub. (2) (e) 1. and, if applicable, subd. 2., clearly identifies the maximum rate of the taxes that may be imposed by the authority under subd. 1.

(5) LIMITATIONS ON AUTHORITY POWERS. (a) Notwithstanding sub. (4) (a), (b), (c), (d), (q), and (r), no authority, and no public or private organization with which an authority has contracted for service, may provide service outside the jurisdictional area of the authority unless the authority receives financial support for the service under a contract with a public or other private organization for the service or unless it is necessary in order to provide service to connect residents within the authority's jurisdictional area to transit systems in adjacent counties.

(b) Whenever the proposed operations of an authority would be competitive with the operations of a common carrier in existence prior to the time the authority commences operations, the authority shall coordinate proposed operations with the common carrier to eliminate adverse financial impact for the carrier. This coordination may include route overlapping, transfers, transfer points, schedule coordination, joint use of facilities, lease of route service, and acquisition of route and corollary equipment. If this coordination does not result in mutual agreement, the proposals of the authority and the

common carrier shall be submitted to the department of transportation for arbitration.

(c) In exercising its powers under sub. (4), an authority shall consider any plan of a metropolitan planning organization under 23 USC 134 that covers any portion of the authority's jurisdictional area.

(6) AUTHORITY OBLIGATIONS TO EMPLOYEES OF MASS TRANSPORTATION SYSTEMS. (a) An authority acquiring a comprehensive unified local transportation system for the purpose of the authority's operation of the system shall assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law.

(b) An authority acquiring, constructing, controlling, or operating a comprehensive unified local transportation system shall negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, control, or operation to protect the interests of employees affected. This agreement shall include all of the provisions identified in s. 59.58 (4) (b) 1. to 8. and may include provisions identified in s. 59.58 (4) (c). An affected employee has all the rights and the same status under subch. IV of ch. 111 that he or she enjoyed immediately before the acquisition, construction, control, or operation and may not be required to serve a probationary period if he or she attained permanent status before the acquisition, construction, control, or operation.

(c) In all negotiations under this subsection, a senior executive officer of the authority shall be a member of the authority's negotiating body.

(7) BONDS; GENERALLY. (a) An authority may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.

(b) An authority may issue bonds in such principal amounts as the authority deems necessary.

(c) 1. Neither the members of the board of directors of an authority nor any person executing the bonds is personally liable on the bonds by reason of the issuance of the bonds.

2. The bonds of an authority are not a debt of the participating political subdivisions. Neither the participating political subdivisions nor the state are liable for the payment of the bonds. The bonds of any authority shall be payable only out of funds or properties of the authority. The bonds of the authority shall state the restrictions contained in this paragraph on the face of the bonds.

(8) ISSUANCE OF BONDS. (a) Bonds of an authority shall be authorized by resolution of the board of directors. The bonds may be issued under such a resolution or under a trust indenture or other security instrument. The bonds may be issued in one or more series and may be in the

form of coupon bonds or registered bonds under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest at the rates, be in the denominations, have the rank or priority, be executed in the manner, be payable in the medium of payment and at the places, and be subject to the terms of redemption, with or without premium, as the resolution, trust indenture, or other security instrument provides. Bonds of an authority are issued for an essential public and governmental purpose and are public instrumentalities and, together with interest and income, are exempt from taxes.

(b) The authority may sell the bonds at public or private sales at the price or prices determined by the authority.

(c) If an officer whose signatures appear on any bonds or coupons ceases to be an officer of the authority before the delivery of the bonds or coupons, the officer's signature shall, nevertheless, be valid for all purposes as if the officer had remained in office until delivery of the bonds or coupons.

(9) COVENANTS. An authority may do all of the following in connection with the issuance of bonds:

(a) Covenant as to the use of any or all of its property, real or personal.

(b) Redeem the bonds, or covenant for the redemption of the bonds, and provide the terms and conditions of the redemption.

(c) Covenant as to charge fees, rates, rents, and charges sufficient to meet operating and maintenance expenses, renewals, and replacements of any transportation system, principal and debt service on bonds creation and maintenance of any reserves required by a bond resolution, trust indenture, or other security instrument and to provide for any margins or coverages over and above debt service on the bonds that the board of directors considers desirable for the marketability of the bonds.

(d) Covenant as to the events of default on the bonds and the terms and conditions upon which the bonds shall become or may be declared due before maturity, as to the terms and conditions upon which this declaration and its consequences may be waived, and as to the consequences of default and the remedies of bondholders.

(e) Covenant as to the mortgage or pledge of, or the grant of a security interest in, any real or personal property and all or any part of the revenues of the authority to secure the payment of bonds, subject to any agreements with the bondholders.

(f) Covenant as to the custody, collection, securing, investment, and payment of any revenues, assets, moneys, funds, or property with respect to which the authority may have any rights or interest.

(g) Covenant as to the purposes to which the proceeds from the sale of any bonds may be applied, and as to the pledge of such proceeds to secure the payment of the bonds.

(h) Covenant as to limitations on the issuance of any additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds.

(i) Covenant as to the rank or priority of any bonds with respect to any lien or security.

(j) Covenant as to the procedure by which the terms of any contract with or for the benefit of the holders of bonds may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given.

(k) Covenant as to the custody and safekeeping of any of its properties or investments, the insurance to be carried on the property or investments, and the use and disposition of insurance proceeds.

(L) Covenant as to the vesting in one or more trustees, within or outside the state, of those properties, rights, powers, and duties in trust as the authority determines.

(m) Covenant as to the appointing of, and providing for the duties and obligations of, one or more paying agent or other fiduciaries within or outside the state.

(n) Make all other covenants and do any act that may be necessary or convenient or desirable in order to secure its bonds or, in the absolute discretion of the authority, tend to make the bonds more marketable.

(o) Execute all instruments necessary or convenient in the exercise of the powers granted under this section or in the performance of covenants or duties, which may contain such covenants and provisions as a purchaser of the bonds of the authority may reasonably require.

(10) REFUNDING BONDS. An authority may issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. An authority may issue refunding bonds at such time prior to the maturity or redemption of the refunded bonds as the authority deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium on the bonds, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by the resolution, trust indenture, or other security instruments. To the extent applicable, refunding bonds are subject to subs. (8) and (9).

(11) BONDS ELIGIBLE FOR INVESTMENT. (a) Any of the following may invest funds, including capital in their control or belonging to them, in bonds of the authority:

1. Public officers and agencies of the state.
2. Local governmental units, as defined in s. 19.42 (7u).
3. Insurance companies.

4. Trust companies.
5. Banks.
6. Savings banks.
7. Savings and loan associations.
8. Investment companies.
9. Personal representatives.
10. Trustees.
11. Other fiduciaries not listed in this paragraph.

(b) The authority's bonds are securities that may be deposited with and received by any officer or agency of the state or any local governmental unit, as defined in s. 19.42 (7u), for any purpose for which the deposit of bonds or obligations of the state or any local governmental unit is authorized by law.

(12) BUDGETS: RATES AND CHARGES: AUDIT. The board of directors of an authority shall annually prepare a budget for the authority. Except as provided in sub. (15m), rates and other charges received by an authority shall be used only for the general expenses and capital expenditures of the authority, to pay interest, amortization, and retirement charges on bonds, and for specific purposes of the authority and may not be transferred to any political subdivision. The authority shall maintain an accounting system in accordance with generally accepted accounting principles and shall have its financial statements and debt covenants audited annually by an independent certified public accountant.

(13) WITHDRAWAL FROM AUTHORITY. A participating political subdivision that becomes a member of an authority under sub. (2) (c) 4. shall withdraw from the authority if the county in which the municipality is located withdraws from the authority under this subsection and a participating political subdivision that joined an authority under sub. (2) (b) 3., (c) 3., or (e) 2. may withdraw from an authority if all of the following conditions are met:

(a) The governing body of the political subdivision adopts a resolution requesting withdrawal of the political subdivision from the authority and, if the political subdivision joined the authority under sub. (2) (e) 2., the resolution is ratified by the electors at a referendum held in the political subdivision.

(b) The political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the authority.

(c) If a participating political subdivision withdraws from an authority, the authority shall provide the department of revenue with a certified copy of the resolution that approves the withdrawal. The withdrawal is effective on the first day of the calendar quarter that begins at least 120 days after the department receives the certified copy of the resolution approving the withdrawal. If the political subdivision joined the authority under sub. (2) (e) 2., the authority shall also provide the department of revenue with a certification of the referendum results ratifying the withdrawal resolution and the department shall

use the date that it receives this certification of referendum results for purposes of calculating the effective date of withdrawal under this paragraph. If the authority in which the withdrawing political subdivision continues to exist after the withdrawal, the authority shall provide information describing the exact boundaries of its jurisdictional area, as provided in sub. (4) (s) 2.

(14) DUTY TO PROVIDE TRANSIT SERVICE. An authority shall provide, or contract for the provision of, transit service within the authority's jurisdictional area.

(15m) DANE COUNTY HIGHWAY PROJECTS. An authority created under sub. (2) (b) may transfer revenues from taxes imposed by the authority under sub. (4) (s) to any political subdivision within the authority's jurisdictional area to fund highway projects within the authority's jurisdictional area. If any transfer is made under this subsection, the authority's board shall determine the recipients and amounts of all such transfers, except that the authority may not transfer under this subsection more than 25 percent of revenues from taxes imposed by the authority under sub. (4) (s).

(17) OTHER STATUTES. This section does not limit the powers of political subdivisions to enter into intergovernmental cooperation or contracts or to establish separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or otherwise to carry out their powers under applicable statutory provisions. Section 66.0803 (2) does not apply to an authority.

SECTION 1488s. 66.1103 (2) (k) 20. of the statutes is amended to read:

66.1103 (2) (k) 20. A shopping center, or an office building, convention or trade center, hotel, motel or other nonresidential facility, which is located in or adjacent to a blighted area as defined by s. 66.1105 (2) ~~(a)~~ (ae), 66.1331 (3) (a) or 66.1333 (2m) (b) or in accordance with a redevelopment plan or urban renewal plan adopted under s. 66.1331 (5) or 66.1333 (6).

SECTION 1488u. 66.1105 (2) (a) of the statutes is renumbered 66.1105 (2) (ae).

SECTION 1488uc. 66.1105 (2) (ab) of the statutes is created to read:

66.1105 (2) (ab) "Affordable housing" means housing that costs a household no more than 30 percent of the household's gross monthly income.

SECTION 1488ue. 66.1105 (2) (bq) of the statutes is created to read:

66.1105 (2) (bq) "Household" means an individual and his or her spouse and all minor dependents.

SECTION 1489. 66.1105 (6) (ae) of the statutes is created to read:

66.1105 (6) (ae) With regard to each district for which the department of revenue authorizes the allocation of a tax increment under par. (a), the department shall charge the city that created the district an annual administrative fee of \$150 that the city shall pay to the department no later than May 15.

SECTION 1489e. 66.1105 (6) (c) of the statutes is amended to read:

66.1105 (6) (c) Except for tax increments allocated under par. (d), (dm), (e), ~~or (f), or (g)~~ all tax increments received with respect to a tax incremental district shall, upon receipt by the city treasurer, be deposited into a special fund for that district. The city treasurer may deposit additional moneys into such fund pursuant to an appropriation by the common council. No moneys may be paid out of such fund except to pay project costs with respect to that district, to reimburse the city for such payments, to pay project costs of a district under par. (d), (dm), (e), ~~or (f), or (g)~~ or to satisfy claims of holders of bonds or notes issued with respect to such district. Subject to par. (d), (dm), (e), ~~or (f), or (g)~~, moneys paid out of the fund to pay project costs with respect to a district may be paid out before or after the district is terminated under sub. (7). Subject to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other city funds if any investment earnings are applied to reduce project costs. After all project costs and all bonds and notes with respect to the district have been paid or the payment thereof provided for, subject to any agreement with bondholders, if there remain in the fund any moneys that are not allocated under par. (d), (dm), (e), ~~or (f), or (g)~~, they shall be paid over to the treasurer of each county, school district or other tax levying municipality or to the general fund of the city in the amounts that belong to each respectively, having due regard for that portion of the moneys, if any, that represents tax increments not allocated to the city and that portion, if any, that represents voluntary deposits of the city into the fund.

SECTION 1489i. 66.1105 (6) (g) of the statutes is created to read:

66.1105 (6) (g) 1. After the date on which a tax incremental district created by a city pays off the aggregate of all of its project costs, and notwithstanding the time at which such a district would otherwise be required to terminate under sub. (7), a city may extend the life of the district for one year if the city does all of the following:

a. The city adopts a resolution extending the life of the district for a specified number of months. The resolution shall specify how the city intends to improve its housing stock, as required in subd. 3.

b. The city forwards a copy of the resolution to the department of revenue, notifying the department that it must continue to authorize the allocation of tax increments to the district under par. (a).

2. If the department of revenue receives a notice described under subd. 1. b., it shall continue authorizing the allocation of tax increments to the district under par. (a) during the district's life, as extended by the city, as if the district's costs had not been paid off and without regard to whether any of the time periods specified in par.

(a) 2. to 8. would otherwise require terminating the allocation of such increments.

3. If a city receives tax increments as described in subd. 2., the city shall use at least 75 percent of the increments received to benefit affordable housing in the city. The remaining portion of the increments shall be used by the city to improve the city's housing stock.

SECTION 1490. 66.1106 (7) (am) of the statutes is created to read:

66.1106 (7) (am) With regard to each district for which the department authorizes the allocation of a tax increment under par. (a), the department shall charge the political subdivision that created the district an annual administrative fee of \$150 that the political subdivision shall pay to the department no later than May 15.

SECTION 1491. 66.1113 (1) (a) of the statutes is amended to read:

66.1113 (1) (a) "Infrastructure expenses" means the costs of purchasing, constructing, or improving parking lots; access ways; transportation facilities, including roads and bridges; sewer and water facilities; exposition center facilities used primarily for conventions, expositions, trade shows, musical or dramatic events, or other events involving educational, cultural, recreational, sporting, or commercial activities; parks, boat ramps, beaches, and other recreational facilities; fire fighting equipment; police vehicles; ambulances; and other equipment or materials dedicated to public safety or public works.

SECTION 1492. 66.1305 (2) (a) 2. of the statutes is repealed and recreated to read:

66.1305 (2) (a) 2. "Technology-based incubator" means a facility that provides a new or expanding technically-oriented business with all of the following:

- a. Office and laboratory space.
- b. Shared clerical and other support service.
- c. Managerial and technical assistance.

SECTION 1493. 66.1305 (2) (c) 3. of the statutes is repealed.

SECTION 1494. 66.1333 (2m) (d) 8. of the statutes is amended to read:

66.1333 (2m) (d) 8. Studying the feasibility of an initial design for a technology-based incubator, and developing and operating a technology-based incubator ~~and applying for a grant under s. 560.14 (3) in connection with a technology-based incubator.~~

SECTION 1495. 66.1333 (2m) (t) of the statutes is repealed and recreated to read:

66.1333 (2m) (t) "Technology-based incubator" means a facility that provides a new or expanding technically-oriented business with all of the following:

1. Office and laboratory space.
2. Shared clerical and other support service.
3. Managerial and technical assistance.

SECTION 1496. 67.01 (5) of the statutes is amended to read:

67.01 (5) "Municipality" means any of the following which is authorized to levy a tax: a county, city, village, town, school district, board of park commissioners, technical college district, metropolitan sewerage district created under ss. 200.01 to 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit authority created under s. 66.1039, public inland lake protection and rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other public body empowered to borrow money and issue obligations to repay the money out of public funds or revenues. "Municipality" does not include the state.

SECTION 1497. 67.01 (9) (intro.) of the statutes is amended to read:

67.01 (9) (intro.) This chapter is not applicable to appropriation bonds issued by a county under s. 59.85 or by a 1st class city under s. 62.62 and, except ss. 67.08 (1), 67.09 and 67.10, is not applicable:

SECTION 1498. 67.05 (5) (b) of the statutes is amended to read:

67.05 (5) (b) No city or village may issue bonds for any purposes other than for water systems, lighting works, gas works, bridges, street lighting, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and band shells, veterans housing projects, paying the municipality's portion of the cost of abolishing grade crossings, for the construction of police facilities and combined fire and police safety buildings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for acquiring and developing sites for industry and commerce as will expand the municipal tax base, for financing the cost of low-interest mortgage loans under s. 62.237, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.1105, 66.1301 to 66.1329 and 66.1331 to 66.1337, to issue appropriation bonds under s. 62.62 to pay unfunded prior service liability with respect to an employee retirement system, or for University of Wisconsin System college campuses, as defined in s. 36.05 (6m), until the proposition for their issue for the special purpose has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the

common council of a city or the village board of a village declares its purpose to raise money by issuing bonds for any purpose other than those specified in this subsection, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of submitting the question of bonding to the city or village electors. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition conforming to the requirements of s. 8.40 with the city or village clerk requesting submission of the resolution, the city or village may not issue bonds for financing the cost of low-interest mortgage loans under s. 62.237 without calling a special election to submit the question of bonding to the city or village electors for their approval.

SECTION 1499. 67.05 (6m) (a) of the statutes is amended to read:

67.05 (6m) (a) An initial resolution adopted by a technical college district board for an issue of bonds in an amount of money not exceeding ~~\$1,000,000~~ \$1,500,000 for building remodeling or improvement need not be submitted to the electors of the district for approval unless within 30 days after the initial resolution is adopted there is filed with the technical college district secretary a petition conforming to the requirements of s. 8.40 requesting a referendum thereon. Such a petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. Any initial resolution adopted under sub. (1) in an amount of money not exceeding ~~\$1,000,000~~ \$1,500,000 at the discretion of the district board, may be submitted to the electors without waiting for the filing of a petition. All initial resolutions adopted under sub. (1) in an amount of money in excess of ~~\$1,000,000~~ \$1,500,000 or more for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is duly petitioned or required under this subsection, bonds may not be issued until the electors of the district have approved the issue.

SECTION 1500. 67.12 (12) (a) of the statutes is amended to read:

67.12 (12) (a) Any municipality may issue promissory notes as evidence of indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not limited to paying any general and current municipal expense, and refunding any municipal obligations, including interest on them. Each note, plus interest if any, shall be repaid within 10 years after the original date of

the note, except that notes issued under this section for purposes of ss. 119.498, 145.245 (12m), 281.58, 281.59, 281.60, 281.61, and 292.72 issued to raise funds to pay a portion of the capital costs of a metropolitan sewerage district, or issued by a 1st class city or a county having a population of 500,000 or more, to pay unfunded prior service liability with respect to an employee retirement system, shall be repaid within 20 years after the original date of the note.

SECTION 150l. 67.12 (12) (e) 5. of the statutes is amended to read:

67.12 (12) (e) 5. Within 10 days of the adoption by a technical college district board of a resolution under subd. 1. to issue a promissory note for a purpose under s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the resolution was adopted under this subsection and the place where and the hours during which the resolution is available for public inspection. If the amount proposed to be borrowed is for building remodeling or improvement and does not exceed ~~\$1,000,000~~ \$1,500,000 or is for movable equipment, the district board need not submit the resolution to the electors for approval unless, within 30 days after the publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the secretary of the district board requesting a referendum at a special election to be called for that purpose. Such petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. In lieu of a special election, the district board may specify that the referendum shall be held at the next succeeding spring primary or election or September primary or general election. Any resolution to borrow amounts of money in excess of ~~\$1,000,000~~ \$1,500,000 for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is held or required under this subdivision, no promissory note may be issued until the issuance is approved by a majority of the district electors voting at such referendum. The referendum shall be noticed, called and conducted under s. 67.05 (6a) insofar as applicable, except that the notice of special election and ballot need not embody a copy of the resolution and the question which shall appear on the ballot shall be "Shall (name of district) be authorized to borrow the sum of \$.... for (state purpose) by issuing its general obligation prom-

issory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?"

SECTION 150lg. 69.01 (1r) of the statutes is created to read:

69.01 (1r) "Certificate of termination of domestic partnership" means a certificate issued by a county clerk under s. 770.12 (3).

SECTION 150lh. 69.01 (6r) of the statutes is created to read:

69.01 (6r) "Declaration of domestic partnership" means a declaration issued by a county clerk under 770.07 (2).

SECTION 150li. 69.01 (19) of the statutes is amended to read:

69.01 (19) "Registrant" means the subject of a certificate or declaration which a local registrar has accepted for filing in the system of vital statistics.

SECTION 150lj. 69.01 (26) (a) of the statutes is amended to read:

69.01 (26) (a) Certificates of birth, death, ~~and~~ divorce or annulment, and termination of domestic partnership, marriage documents, and declarations of domestic partnership.

SECTION 150lk. 69.01 (27) of the statutes is amended to read:

69.01 (27) "Vital statistics" means the data derived from certificates of birth, death, divorce or annulment, and termination of domestic partnership, marriage documents, declarations of domestic partnership, fetal death reports or related reports.

SECTION 150ll. 69.03 (5) of the statutes is amended to read:

69.03 (5) Under this subchapter, accept for registration, assign a date of acceptance, and index and preserve original certificates of birth and death, original marriage documents ~~and~~, original divorce reports, original declarations of domestic partnership, and original certificates of termination of domestic partnership. Indexes prepared for public use under s. 69.20 (3) (e) shall consist of the registrant's full name, date of the event, county of occurrence, county of residence, and, at the discretion of the state registrar, state file number. Notwithstanding s. 69.24 (1) (e), the state registrar may transfer the paper original of a vital record to optical disc or electronic format in accordance with s. 16.61 (5) or to microfilm reproduction in accordance with s. 16.61 (6) and destroy the paper original of any vital record that is so converted. For the purposes of this subchapter, the electronic format version or microfilm reproduction version of the paper original of a vital record that has been transferred under this subsection shall serve as the original vital record.

SECTION 150lm. 69.03 (8) of the statutes is amended to read:

69.03 (8) Prescribe, furnish and distribute forms required under this subchapter and ~~ch. 765 and 770~~ and prescribe any other means for transmission of data

necessary to accomplish complete and accurate reporting and registration. When reasonable and possible the state registrar shall base the prescribed forms on the standard forms recommended by the federal agency responsible for administering the national system of vital statistics.

SECTION 1501n. 69.20 (2) (a) (intro.) of the statutes is amended to read:

69.20 (2) (a) (intro.) Except as provided under sub. (3), information in the part of a certificate of birth ~~or~~, divorce or annulment, or termination of domestic partnership, a marriage document, or a declaration of domestic partnership that is designated on the form as being collected for statistical or medical and statistical use only and information in the part of a death certificate that is designated on the form as being collected as statistical-use-only information under s. 69.18 (1m) (c) may not be disclosed to any person except the following:

SECTION 1502. 69.22 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20, Section 1918h, is amended to read:

69.22 (1) (a) Except as provided under par. (c), \$7 ~~\$20~~ for issuing one certified copy of a vital record and \$3 for any additional certified copy of the same vital record issued at the same time.

SECTION 1503. 69.22 (1) (b) of the statutes, as affected by 2007 Wisconsin Act 20, Section 1918j, is amended to read:

69.22 (1) (b) Except as provided under par. (c), \$20 for issuing an uncertified copy of a vital record issued under s. 69.21 (2) (a) or (b), ~~or \$7~~ for verifying information about the event submitted by a requester without issuance of a copy, ~~\$7~~, and \$3 for any additional copy of the same vital record issued at the same time.

SECTION 1505c. 69.22 (1) (c) of the statutes, as affected by 2007 Wisconsin Act 20, Section 1918L, is amended to read:

69.22 (1) (c) ~~Twelve Twenty~~ dollars for issuing an uncertified copy of a birth certificate or a certified copy of a birth certificate, ~~\$7 of which shall be forwarded to the secretary of administration as provided in sub. (1m) and credited to the appropriations under s. 20.433 (1) (g) and (h);~~ and \$3 for issuing any additional certified or uncertified copy of the same birth certificate issued at the same time.

SECTION 1506. 69.22 (1) (d) of the statutes, as affected by 2007 Wisconsin Act 20, Section 1918n, is amended to read:

69.22 (1) (d) In addition to other fees under this subchapter, ~~\$10~~ \$20 for expedited service in issuing a vital record.

SECTION 1507. 69.22 (1m) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

69.22 (1m) The state registrar and any local registrar acting under this subchapter shall, for each copy of a birth certificate for which a fee under sub. (1) (c) is charged that is issued during a calendar quarter, forward to the

secretary of administration for deposit in the ~~appropriations~~ appropriation accounts under s. 20.433 (1) (g) and (h) ~~the amounts specified in sub. (1) (e) \$7~~ by the 15th day of the first month following the end of the calendar quarter.

SECTION 1509. 69.22 (1q) of the statutes is created to read:

69.22 (1q) The state registrar and any local registrar acting under this subchapter shall forward to the secretary of administration for deposit in the appropriation account under s. 20.435 (1) (gm) all of the following:

(a) For any certified copy of a vital record for which a fee of \$20 under sub. (1) (a) is charged, \$13.

(b) For any uncertified copy of a vital record for which a fee of \$20 under sub. (1) (b) is charged, \$13.

(c) For any copy of a birth certificate for which a fee of \$20 under sub. (1) (c) is charged, \$8.

(d) For expedited service in issuing a vital record, \$10.

SECTION 1510. 69.22 (5) (b) 2. of the statutes is amended to read:

69.22 (5) (b) 2. The filing of a birth certificate under s. 69.14 (2) (b) 5. The fee under this subdivision includes the search for the birth certificate and the first copy of the certificate except that the state registrar shall add to the \$20 fee, ~~the \$5 fee required under sub. (1) (e).~~

SECTION 1510g. 69.24 (1) (f) of the statutes is amended to read:

69.24 (1) (f) Willfully and knowingly obtains, possesses, uses, sells, furnishes or attempts to obtain, possess, use, sell or furnish to any person for any purpose of deception, any vital record or certified copy of a vital record which is counterfeited, altered or amended or false in part or in whole or which is related to the birth, death, marriage ~~or~~, divorce, domestic partnership, or termination of a domestic partnership of another person, whether living or dead.

SECTION 1510h. 69.24 (2) (a) of the statutes is amended to read:

69.24 (2) (a) Willfully and knowingly commits any of the actions prohibited under sub. (1) in relation to a marriage document ~~or~~, divorce report, declaration of domestic partnership, or certificate of termination of domestic partnership.

SECTION 1515m. 70.11 (intro.) of the statutes is amended to read:

70.11 Property exempted from taxation. (intro.) The property described in this section is exempted from general property taxes if the property is exempt under sub. (1), (2), (18), (21), (27) or (30); if it was exempt for the previous year and its use, occupancy or ownership did not change in a way that makes it taxable; if the property was taxable for the previous year, the use, occupancy or ownership of the property changed in a way that makes it exempt and its owner, on or before March 1, files with the assessor of the taxation district where the property is

located a form that the department of revenue prescribes or if the property did not exist in the previous year and its owner, on or before March 1, files with the assessor of the taxation district where the property is located a form that the department of revenue prescribes. Leasing Except as provided in subs. (3m) (c), (4) (b), (4a) (f), and (4d), leasing a part of the property described in this section does not render it taxable if the lessor uses all of the leasehold income for maintenance of the leased property or construction debt retirement of the leased property, or both, and, except for residential housing, if the lessee would be exempt from taxation under this chapter if it owned the property. Any lessor who claims that leased property is exempt from taxation under this chapter shall, upon request by the tax assessor, provide records relating to the lessor's use of the income from the leased property. Property exempted from general property taxes is:

SECTION 1516. 70.11 (2) of the statutes is amended to read:

70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS. EXCEPTION. Property owned by any county, city, village, town, school district, technical college district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district created under s. 198.22, joint local water authority created under s. 66.0823, transit authority created under s. 59.58 (7), 66.1038, or 66.1039, long-term care district under s. 46.2895 or town sanitary district; lands belonging to cities of any other state used for public parks; land tax-deeded to any county or city before January 2; but any residence located upon property owned by the county for park purposes that is rented out by the county for a nonpark purpose shall not be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after August 17, 1961, to any such governmental unit or for its benefit while the grantor or others for his or her benefit are permitted to occupy the land or part thereof in consideration for the conveyance. Leasing the property exempt under this subsection, regardless of the lessee and the use of the leasehold income, does not render that property taxable.

SECTION 1516c. 70.11 (3m) of the statutes is created to read:

70.11 (3m) STUDENT HOUSING FACILITIES. (a) All real and personal property of a housing facility for which all of the following applies:

1. The facility is owned by a nonprofit organization.
2. At least 90 percent of the facility's residents are students enrolled at the University of Wisconsin-Madison and the facility houses no more than 300 such students.
3. The facility offers support services and outreach programs to its residents, the public or private institution of higher education at which the student residents are enrolled, and the public.

(b) If a nonprofit organization owns more than one housing facility, as described under par. (a), the exemption applies to only one facility, at one location.

(c) Leasing a part of the property described in this subsection does not render it taxable if the lessor uses the leasehold income only for the following:

1. Maintenance of the leased property.
2. Construction debt retirement of the leased property.
3. The purposes for which the exemption under section 501 (c) (3) of the Internal Revenue Code is granted to the nonprofit organization that owns the facility.

SECTION 1516d. 70.11 (4) of the statutes is renumbered 70.11 (4) (a) and amended to read:

70.11 (4) (a) Property owned and used exclusively by educational institutions offering regular courses 6 months in the year; or by churches or religious, educational or benevolent associations, or by a nonprofit entity that is operated as a facility that is licensed, certified, or registered under ch. 50, including benevolent nursing homes and retirement homes for the aged but not including an organization that is organized under s. 185.981 or ch. 611, 613 or 614 and that offers a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) or an organization that is issued a certificate of authority under ch. 618 and that offers a health maintenance organization or a limited service health organization and not including property owned by any nonstock, nonprofit corporation which services guaranteed student loans for others or on its own account, and also including property owned and used for housing for pastors and their ordained assistants, members of religious orders and communities, and ordained teachers, whether or not contiguous to and a part of other property owned and used by such associations or churches, and also including property described under par. (b); or by women's clubs; or by domestic, incorporated historical societies; or by domestic, incorporated, free public library associations; or by fraternal societies operating under the lodge system (except university, college and high school fraternities and sororities), but not exceeding 10 acres of land necessary for location and convenience of buildings while such property is not used for profit. Property owned by churches or religious associations necessary for location and convenience of buildings, used for educational purposes and not for profit, shall not be subject to the 10-acre limitation but shall be subject to a 30-acre limitation. Property that is exempt from taxation under this subsection and is leased remains exempt from taxation only if, in addition to the requirements specified in the introductory phrase of this section, the lessee does not discriminate on the basis of race.

SECTION 1516e. 70.11 (4) (b) of the statutes is created to read:

70.11 (4) (b) 1. Leasing a part of property described in par. (a) that is owned and operated by a nonprofit orga-

nization as a facility that is licensed, certified, or registered under ch. 50, as residential housing, does not render the property taxable, regardless of how the lessor uses the leasehold income.

2. Leasing a part of property described in par. (a) that is occupied by one or more individuals with permanent disabilities for whom evidence is available that demonstrates that such individuals meet the medical definition of permanent disability used to determine eligibility for programs administered by the federal social security administration, as residential housing, does not render the property taxable, regardless of how the lessor uses the leasehold income.

SECTION 1516f. 70.11 (4a) of the statutes is created to read:

70.11 (4a) BENEVOLENT LOW-INCOME HOUSING. (a) Property owned by a nonprofit entity that is a benevolent association and used as low-income housing, including all common areas of a low-income housing project. Property used for a low-income housing project, including other low-income housing projects under common control with such project, and exempt under this subsection may not exceed 30 acres necessary for the location and convenience of buildings or 10 contiguous acres in any one municipality.

(b) For purposes of this subsection, "low-income housing" means any housing project described in sub. (4b) or any residential unit within a low-income housing project that is occupied by a low-income or very low-income person or is vacant and is only available to such persons.

(c) For purposes of this subsection, "low-income housing project" means a residential housing project for which all of the following apply:

1. At least 75 percent of the residential units are occupied by low-income or very low-income persons or are vacant and available only to low-income or very low-income persons.

2. At least one of the following applies:

a. At least 20 percent of the residential units are rented to persons who are very low-income persons or are vacant and are only available to such persons.

b. At least 40 percent of the residential units are rented to persons whose income does not exceed 120 percent of the very low-income limit or are vacant and only available to such persons.

(d) For purposes of this subsection, low-income persons and very low-income persons shall be determined in accordance with the income limits published by the federal department of housing and urban development for low-income and very low-income families under the National Housing Act of 1937.

(e) For purposes of this subsection, all properties included within the same federal department of housing and urban development contract or within the same federal department of agriculture, rural development, con-

tract are considered to be one low-income housing project.

(f) Leasing property that is exempt from taxation under this subsection or sub. (4b) as low-income housing does not render it taxable, regardless of how the leasehold income is used.

(g) 1. Annually, no later than March 1, each person who owns a low-income housing project shall file with the assessor of the taxation district in which the project is located a statement that specifies which units were occupied on January 1 of that year by persons whose income satisfied the income limit requirements under par. (b), as certified by the property owner to the appropriate federal or state agency, and a copy of the federal department of housing and urban development contract or federal department of agriculture, rural development contract, if applicable.

2. The format and distribution of statements under this paragraph shall be governed by s. 70.09 (3).

3. If the statement required under this paragraph is not received on or before March 1, the taxation district assessor shall send the property owner a notice, by certified mail to the owner's last-known address of record, stating that failure to file a statement is subject to the penalties under subd. 5.

4. In addition to the statement under subd. 1., the taxation district assessor may require that a property owner submit other information to prove that the person's property qualifies as low-income housing that is exempt from taxation under this subsection.

5. A person who fails to file a statement within 30 days after notification under subd. 3. shall forfeit \$10 for each succeeding day on which the form is not received by the taxation district assessor, but not more than \$500.

SECTION 1516g. 70.11 (4b) of the statutes is created to read:

70.11 (4b) HOUSING PROJECTS FINANCED BY HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY. All property of a housing project that satisfies all of the following:

(a) It is owned by a corporation, organization, or association described in section 501 (c) (3) of the Internal Revenue Code that is exempt from taxation under section 501 (a) of the Internal Revenue Code.

(b) It is financed by the Housing and Economic Development Authority under s. 234.03 (13).

(c) The Housing and Economic Development Authority holds a first-lien mortgage security interest on it.

(d) It is in existence on January 1, 2008.

SECTION 1516h. 70.11 (4d) of the statutes is created to read:

70.11 (4d) BENEVOLENT RETIREMENT HOMES FOR THE AGED. Property that is owned by a nonprofit entity that is a benevolent association and used as a retirement home for the aged, but not exceeding 30 acres of land necessary for the location and convenience of buildings, while such