

if the business has been found to have exceeded the grace period under sub. (2) (b).

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

SECTION 2207t. 106.30 of the statutes is created to read:

106.30 Nursing workforce survey and grant. (1) **DEFINITION.** In this section, "nurse" means a registered nurse licensed under s. 441.06 or permitted under s. 441.08, a licensed practical nurse licensed or permitted under s. 441.10, an advanced practice nurse prescriber certified under s. 441.16 (2), or a nurse-midwife licensed under s. 441.15.

(2) **SURVEY FORM.** By October 1 of each odd-numbered year, the department of workforce development shall develop and submit to the department of regulation and licensing a survey form to gather data under s. 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the supply of, demand for, and turnover among nurses in this state and in determining whether there are any regional shortages of nurses, shortages of nurses in any speciality areas, or impediments to entering the nursing profession in this state.

(3) **SURVEY RESULTS.** Beginning in 2011, by September 30 of each odd-numbered year, the department shall compile, process, and evaluate the survey results and submit a report of its findings to the speaker of the assembly and the president of the senate under s. 13.172 (3) and to the governor, the secretary of health services, and the nurse resource center described in sub. (5).

(4) **COSTS OF SURVEY.** The department may use no more than 12 percent of the amount received under s. 20.445 (1) (km) for costs incurred by the department under subs. (2) and (3).

(5) **NURSING WORKFORCE GRANTS.** (a) From the appropriation account under s. 20.445 (1) (km), the department of workforce development shall award grants equal to the amount appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to a non-profit statewide nursing center that is comprised of and led by nurses and that has demonstrated coordination with constituent groups within the nursing community, including professional nursing organizations; organizations representing nurse educators, staff nurses, and nurse managers or executives; labor organizations representing nurses; the department of regulation and licensing; the department of health services; and legislators who are concerned with issues affecting the nursing profession.

(b) A statewide nursing center that receives a grant under par. (a) shall use the grant moneys to develop strategies to ensure that there is a nursing workforce that is adequate to meet the current and future health care needs of this state. The statewide nursing center may use those moneys to fund activities that are aimed at ensuring such a nursing workforce, including monitoring trends in the

applicant pool for nursing education programs; evaluating the effectiveness of nursing education programs in increasing access to those programs and in enhancing career mobility for nurses, especially for populations that are underrepresented in the nursing profession; and facilitating partnerships between the nursing community and other health care providers, the department of regulation and licensing, the business community, the legislature, and educators to promote diversity within the nursing profession, enhance career mobility and leadership development for nurses, and achieve consensus regarding policies aimed at ensuring an adequate nursing workforce in this state.

SECTION 2210m. 108.24 (2) of the statutes is amended to read:

108.24 (2) Except as provided in sub. (2m) and s. 108.16 (8) (m), any person who knowingly makes a false statement or representation in connection with any report or as to any information duly required by the department under this chapter, or who knowingly refuses or fails to keep any records or to furnish any reports or information duly required by the department under this chapter, shall be fined not less than \$100 nor more than \$500, or imprisoned not more than 90 days or both; and each such false statement or representation and every day of such refusal or failure constitutes a separate offense.

SECTION 2210n. 108.24 (2m) of the statutes is created to read:

108.24 (2m) Any employer described in s. 108.18 (2) (c) who willfully provides false information to the department for the purpose of misclassifying or attempting to misclassify an individual who is an employee of the employer as a nonemployee shall be fined \$25,000 for each violation.

SECTION 2211. 109.03 (3) (a) of the statutes is amended to read:

109.03 (3) (a) In case of the death of an employee to whom wages are due, the full amount of the wages due shall upon demand be paid by the employer to the spouse, domestic partner under ch. 770, children, or other dependent living with the employee at the time of death.

SECTION 2212. 109.03 (3) (b) of the statutes is amended to read:

109.03 (3) (b) An employer may, not less than 5 days after the death of an employee and before the filing of a petition or application for administration of the decedent's estate, make payments of the wage due the deceased employee to the spouse, domestic partner under ch. 770, children, parents, or siblings of the decedent, giving preference in the order listed.

SECTION 2213. 109.03 (3) (c) of the statutes is amended to read:

109.03 (3) (c) If none of the ~~relatives~~ persons listed in par. (b) survives, the employer may apply the payment of the wage or so much of the wage as may be necessary to paying creditors of the decedent in the order of prefer-

ence prescribed in s. 859.25 for satisfaction of debts by personal representatives.

SECTION 2214. 109.09 (1) of the statutes is amended to read:

109.09 (1) The department shall investigate and attempt equitably to adjust controversies between employers and employees as to alleged wage claims. The department may receive and investigate any wage claim which is filed with the department, or received by the department under s. 109.10 (4), no later than 2 years after the date the wages are due. The department may, after receiving a wage claim, investigate any wages due from the employer against whom the claim is filed to any employee during the period commencing 2 years before the date the claim is filed. The department shall enforce this chapter and ss. 66.0903, ~~66.0904~~, 103.02, 103.49, 103.82, 104.12, and 229.8275. In pursuance of this duty, the department may sue the employer on behalf of the employee to collect any wage claim or wage deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions under s. 109.10, the department may refer such an action to the district attorney of the county in which the violation occurs for prosecution and collection and the district attorney shall commence an action in the circuit court having appropriate jurisdiction. Any number of wage claims or wage deficiencies against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings. In actions that are referred to a district attorney under this subsection, any taxable costs recovered by the district attorney shall be paid into the general fund of the county in which the violation occurs and used by that county to meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office of the district attorney who prosecuted the action.

SECTION 2216b. 110.072 of the statutes is created to read:

110.072 Contracts related to state traffic patrol vehicles. Notwithstanding s. 16.705, the department may not contract with any 3rd party for the 3rd party to provide services to the department related to the installation and maintenance of communications and other law enforcement equipment on state traffic patrol vehicles.

SECTION 2216e. 110.08 (2) of the statutes is amended to read:

110.08 (2) Except as provided under s. 343.16 (1) (b) ~~and to~~ (c), all examinations for operator's licenses and permits shall be given by state examiners.

SECTION 2216g. 111.02 (3) of the statutes is amended to read:

111.02 (3) "Collective bargaining unit" means all of the employees of one employer, employed within the state, except as provided in s. 111.05 (5) ~~and (7)~~ and except that where a majority of the employees engaged in a single craft, division, department or plant have voted by secret ballot as provided in s. 111.05 (2) to constitute

such group a separate bargaining unit they shall be so considered, but, in appropriate cases, and to aid in the more efficient administration of ss. 111.01 to 111.19, the commission may find, where agreeable to all parties affected in any way thereby, an industry, trade or business comprising more than one employer in an association in any geographical area to be a "collective bargaining unit". A collective bargaining unit thus established by the commission shall be subject to all rights by termination or modification given by ss. 111.01 to 111.19 in reference to collective bargaining units otherwise established under ss. 111.01 to 111.19. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employees in each separate unit have voted by secret ballot as provided in s. 111.05 (2) so to do.

SECTION 2216j. 111.02 (6) (am) of the statutes is created to read:

111.02 (6) (am) "Employee" includes a day care provider certified under s. 48.651 and a day care provider licensed under s. 48.65 who provides care and supervision for not more than 8 children who are not related to the day care provider.

SECTION 2216L. 111.02 (7) of the statutes is renumbered 111.02 (7) (a) (intro.) and amended to read:

111.02 (7) (a) (intro.) ~~The term "employer"~~ "Employer" means a person who engages the services of an employee, and includes any all of the following:

1. ~~A person acting on behalf of an employer within the scope of his or her authority, express or implied, but shall.~~

(b) "Employer" ~~does not include the any of the following:~~

1. ~~Except as provided in par. (a) 4., the state or any political subdivision thereof, or any.~~

2. ~~Any labor organization or anyone acting in behalf of such organization other than when it is acting as an employer in fact. For purposes of this subsection, a person who engages the services of an employee includes the~~

(a) 2. ~~The University of Wisconsin Hospitals and Clinics Authority and a.~~

3. ~~A local cultural arts district created under subch. V of ch. 229.~~

SECTION 2216n. 111.02 (7) (a) 4. of the statutes is created to read:

111.02 (7) (a) 4. With respect to an employee under sub. (6) (am), the state, counties, and other administrative entities involved in regulation and subsidization of employees under sub. (6) (am).

SECTION 2216p. 111.02 (7m) of the statutes is amended to read:

111.02 (7m) "Fair-share agreement" means an agreement between the University of Wisconsin Hospitals and Clinics Authority and a labor organization representing employees of that authority, or between an employer defined under sub. (7) (a) 4. and a labor orga-

nization representing employees under sub. (6) (am), under which all of the employees in a collective bargaining unit are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

SECTION 2216r. 111.02 (9m) of the statutes is renumbered 111.02 (9m) (intro.) and amended to read:

111.02 (9m) (intro.) "Maintenance of membership agreement" means an any of the following:

(a) An agreement between the University of Wisconsin Hospitals and Clinics Authority and a labor organization representing employees of that authority which requires that all of the employees whose dues are being deducted from earnings under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employees who are hired on or after the effective date of the agreement.

SECTION 2216t. 111.02 (9m) (b) of the statutes is created to read:

111.02 (9m) (b) An agreement between an employer under sub. (7) (a) 4. and a labor organization representing employees under sub. (6) (am) which requires that all of the employees whose dues are being deducted from earnings under s. 111.06 (1) (i) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employees who are hired on or after the effective date of the agreement.

SECTION 2216v. 111.02 (10m) of the statutes is amended to read:

111.02 (10m) "Referendum" means a proceeding conducted by the commission in which employees of the University of Wisconsin Hospitals and Clinics Authority in a collective bargaining unit or in which employees under sub. (6) (am) in a collective bargaining unit may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair-share or maintenance of membership agreement or to terminate such an agreement.

SECTION 2216w. 111.05 (2) of the statutes is amended to read:

111.05 (2) Except as provided in ~~sub. subs.~~ (5) and (7), whenever a question arises concerning the determination of a collective bargaining unit as defined in s. 111.02 (3), it shall be determined by secret ballot, and the commission, upon request, shall cause the ballot to be taken in such manner as to show separately the wishes of the employees in any craft, division, department or plant as to the determination of the collective bargaining unit.

SECTION 2216y. 111.05 (7) of the statutes is created to read:

111.05 (7) Employees under s. 111.02 (6) (am) shall comprise a single collective bargaining unit.

SECTION 2216ym. 111.322 (2m) (a) of the statutes, as affected by 2009 Wisconsin Act 3, is amended to read:

111.322 (2m) (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

SECTION 2216z. 111.322 (2m) (b) of the statutes, as affected by 2009 Wisconsin Act 3, is amended to read:

111.322 (2m) (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

SECTION 2217. 111.322 (2m) (c) of the statutes is amended to read:

111.322 (2m) (c) The individual files a complaint or attempts to enforce a right under s. 66.0903, 66.0904, 103.49₂ or 229.8275 or testifies or assists in any action or proceeding under s. 66.0903, 66.0904, 103.49₂ or 229.8275.

SECTION 2217h. 111.327 of the statutes is created to read:

111.327 Construction contractors. Any employer described in s. 108.18 (2) (c) who willfully and with intent to evade any requirement of this subchapter misclassifies or attempts to misclassify an individual who is an employee of the employer as a nonemployee shall be fined \$25,000 for each violation. The department shall promulgate rules defining what constitutes a willful misclassification of an employee as a nonemployee for purposes of this section and of ss. 102.07 (8) (d) and 108.24 (2m).

SECTION 2220. 111.70 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 15, is amended to read:

111.70 (1) (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66, except as provided in subs. (3m), (3p), and (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal

employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.

SECTION 2221. 111.70 (1) (b) of the statutes is amended to read:

111.70 (1) (b) "Collective bargaining unit" means a unit consisting of municipal employees who are school district ~~professional~~ employees or of municipal employees who are not school district ~~professional~~ employees that is determined by the commission to be appropriate for the purpose of collective bargaining.

SECTION 2222. 111.70 (1) (dm) of the statutes is repealed.

SECTION 2223. 111.70 (1) (fm) of the statutes is repealed.

SECTION 2223m. 111.70 (1) (j) of the statutes is amended to read:

111.70 (1) (j) "Municipal employer" means any city, county, village, town, metropolitan sewerage district, school district, long-term care district, transit authority under s. 59.58 (7), 66.1038, or 66.1039, or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state, that engages the services of an employee and includes any person acting on behalf of a municipal employer within the scope of the person's authority, express or implied, but specifically does not include a local cultural arts district created under subch. V of ch. 229.

SECTION 2224. 111.70 (1) (nc) of the statutes is repealed.

SECTION 2225. 111.70 (1) (ne) of the statutes is amended to read:

111.70 (1) (ne) "School district ~~professional~~ employee" means a municipal employee ~~who is a professional employee and~~ who is employed to perform services for a school district.

SECTION 2225f. 111.70 (3) (a) 4. of the statutes is amended to read:

111.70 (3) (a) 4. To refuse to bargain collectively with a representative of a majority of its employees in an appropriate collective bargaining unit. Such refusal shall include action by the employer to issue or seek to obtain contracts, including those provided for by statute, with individuals in the collective bargaining unit while collective bargaining, mediation or fact-finding concerning the

terms and conditions of a new collective bargaining agreement is in progress, unless such individual contracts contain express language providing that the contract is subject to amendment by a subsequent collective bargaining agreement. Where the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in an appropriate bargaining unit does in fact have that support, it may file with the commission a petition requesting an election to that claim. An employer shall not be deemed to have refused to bargain until an election has been held and the results thereof certified to the employer by the commission. The violation shall include, though not be limited thereby, to the refusal to execute a collective bargaining agreement previously agreed upon. The term of any collective bargaining agreement covering municipal employees who are not school district employees shall not exceed 3 years, and the term of any collective bargaining agreement covering school district employees shall not exceed 4 years.

SECTION 2225p. 111.70 (3p) of the statutes is created to read:

111.70 (3p) CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining agreement that covers municipal employees performing services for the child care provider services unit under s. 49.826 shall contain a provision that permits the terms of the agreement to be modified with respect to hours and conditions of employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

SECTION 2226. 111.70 (4) (cm) 5. of the statutes is amended to read:

111.70 (4) (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the other impasse resolution procedures provided in this paragraph, a municipal employer and labor organization may at any time, as a permissive subject of bargaining, agree in writing to a dispute settlement procedure, including authorization for a strike by municipal employees or binding interest arbitration, which is acceptable to the parties for resolving an impasse over terms of any collective bargaining agreement under this subchapter. A copy of such agreement shall be filed by the parties with the commission. If the parties agree to any form of binding interest arbitration, the arbitrator shall give weight to the factors enumerated under subds. 7. and 7g. for a collective bargaining unit consisting of municipal employees who are not school district employees and under subd. 7r. for a collective bargaining unit consisting of municipal employees.

SECTION 2227. 111.70 (4) (cm) 5s. of the statutes is repealed.

SECTION 2228. 111.70 (4) (cm) 6. a. of the statutes is amended to read:

111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective bar-~~

gaining unit to which subd. 5s. applies, has not been settled after a reasonable period of negotiation and after mediation by the commission under subd. 3. and other settlement procedures, if any, established by the parties have been exhausted, and the parties are deadlocked with respect to any dispute between them over wages, hours and conditions of employment to be included in a new collective bargaining agreement, either party, or the parties jointly, may petition the commission, in writing, to initiate compulsory, final and binding arbitration, as provided in this paragraph. At the time the petition is filed, the petitioning party shall submit in writing to the other party and the commission its preliminary final offer containing its latest proposals on all issues in dispute. Within 14 calendar days after the date of that submission, the other party shall submit in writing its preliminary final offer on all disputed issues to the petitioning party and the commission. If a petition is filed jointly, both parties shall exchange their preliminary final offers in writing and submit copies to the commission at the time the petition is filed.

SECTION 2229. 111.70 (4) (cm) 6. am. of the statutes is amended to read:

111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the commission shall make an investigation, with or without a formal hearing, to determine whether arbitration should be commenced. If in determining whether an impasse exists the commission finds that the procedures set forth in this paragraph have not been complied with and such compliance would tend to result in a settlement, it may order such compliance before ordering arbitration. The validity of any arbitration award or collective bargaining agreement shall not be affected by failure to comply with such procedures. Prior to the close of the investigation each party shall submit in writing to the commission its single final offer containing its final proposals on all issues in dispute that are subject to interest arbitration under this subdivision or under subd. 5s. in collective bargaining units to which subd. 5s. applies. If a party fails to submit a single, ultimate final offer, the commission shall close the investigation based on the last written position of the party. ~~The municipal employer may not submit a qualified economic offer under subd. 5s. after the close of the investigation.~~ Such final offers may include only mandatory subjects of bargaining, except that a permissive subject of bargaining may be included by a party if the other party does not object and shall then be treated as a mandatory subject. No later than such time, the parties shall also submit to the commission a stipulation, in writing, with respect to all matters which are agreed upon for inclusion in the new or amended collective bargaining agreement. The commission, after receiving a report from its investigator and determining that arbitration should be commenced, shall issue an order requiring arbitration and immediately submit to the parties a list of 7 arbitrators.

Upon receipt of such list, the parties shall alternately strike names until a single name is left, who shall be appointed as arbitrator. The petitioning party shall notify the commission in writing of the identity of the arbitrator selected. Upon receipt of such notice, the commission shall formally appoint the arbitrator and submit to him or her the final offers of the parties. The final offers shall be considered public documents and shall be available from the commission. In lieu of a single arbitrator and upon request of both parties, the commission shall appoint a tripartite arbitration panel consisting of one member selected by each of the parties and a neutral person designated by the commission who shall serve as a chairperson. An arbitration panel has the same powers and duties as provided in this section for any other appointed arbitrator, and all arbitration decisions by such panel shall be determined by majority vote. In lieu of selection of the arbitrator by the parties and upon request of both parties, the commission shall establish a procedure for randomly selecting names of arbitrators. Under the procedure, the commission shall submit a list of 7 arbitrators to the parties. Each party shall strike one name from the list. From the remaining 5 names, the commission shall randomly appoint an arbitrator. Unless both parties to an arbitration proceeding otherwise agree in writing, every individual whose name is submitted by the commission for appointment as an arbitrator shall be a resident of this state at the time of submission and every individual who is designated as an arbitration panel chairperson shall be a resident of this state at the time of designation.

SECTION 2230. 111.70 (4) (cm) 7. of the statutes is amended to read:

111.70 (4) (cm) 7. 'Factor given greatest weight.' In making any decision under the arbitration procedures authorized by this paragraph, except for any decision involving a collective bargaining unit consisting of school district employees, the arbitrator or arbitration panel shall consider and shall give the greatest weight to any state law or directive lawfully issued by a state legislative or administrative officer, body or agency which places limitations on expenditures that may be made or revenues that may be collected by a municipal employer. The arbitrator or arbitration panel shall give an accounting of the consideration of this factor in the arbitrator's or panel's decision.

SECTION 2231. 111.70 (4) (cm) 7g. of the statutes is amended to read:

111.70 (4) (cm) 7g. 'Factor given greater weight.' In making any decision under the arbitration procedures authorized by this paragraph, except for any decision involving a collective bargaining unit consisting of school district employees, the arbitrator or arbitration panel shall consider and shall give greater weight to economic conditions in the jurisdiction of the municipal employer than to any of the factors specified in subd. 7r.

SECTION 2232. 111.70 (4) (cm) 7r. (intro.) of the statutes is amended to read:

111.70 (4) (cm) 7r. (intro.) ‘Other factors considered.’ In making any decision under the arbitration procedures authorized by this paragraph, the arbitrator or arbitration panel shall also give weight to the following factors:

SECTION 2233. 111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated, renumbered 111.70 (4) (cm) 8m. and amended to read:

111.70 (4) (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for the initial collective bargaining agreement between the parties and except as the parties otherwise agree, every collective bargaining agreement covering municipal employees subject to this paragraph ~~other than school district professional employees~~ shall be for a term of 2 years. No, but in no case may a collective bargaining agreement for any collective bargaining unit consisting of municipal employees subject to this paragraph other than school district professional employees shall be for a term exceeding 3 years. e. nor may a collective bargaining agreement for any collective bargaining unit consisting of school district employees subject to this paragraph be for a term exceeding 4 years. No arbitration award may contain a provision for reopening of negotiations during the term of a collective bargaining agreement, unless both parties agree to such a provision. The requirement for agreement by both parties does not apply to a provision for reopening of negotiations with respect to any portion of an agreement that is declared invalid by a court or administrative agency or rendered invalid by the enactment of a law or promulgation of a federal regulation.

SECTION 2234. 111.70 (4) (cm) 8m. b. of the statutes is repealed.

SECTION 2235. 111.70 (4) (cm) 8p. of the statutes is repealed.

SECTION 2236. 111.70 (4) (cm) 8s. of the statutes is repealed.

SECTION 2237. 111.70 (4) (cn) of the statutes is repealed.

SECTION 2238. 111.70 (4) (d) 2. a. of the statutes is amended to read:

111.70 (4) (d) 2. a. The commission shall determine the appropriate collective bargaining unit for the purpose of collective bargaining and shall whenever possible, unless otherwise required under this subchapter, avoid fragmentation by maintaining as few collective bargaining units as practicable in keeping with the size of the total municipal ~~work force~~ workforce. In making such a determination, the commission may decide whether, in a particular case, the municipal employees in the same or several departments, divisions, institutions, crafts, professions, or other occupational groupings constitute a collective bargaining unit. Before making its determina-

tion, the commission may provide an opportunity for the municipal employees concerned to determine, by secret ballot, whether ~~or not~~ they desire to be established as a separate collective bargaining unit. ~~The commission shall not decide, however, that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both municipal employees who are school district professional employees and municipal employees who are not school district professional employees.~~ The commission shall not decide, however, that any ~~other~~ group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both professional employees and non-professional employees, unless a majority of the professional employees vote for inclusion in the unit. The commission shall not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both craft employees and noncraft employees unless a majority of the craft employees vote for inclusion in the unit. The commission shall place the professional employees who are assigned to perform any services at a charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any other professional employees whenever at least 30% of those professional employees request an election to be held to determine that issue and a majority of the professional employees at the charter school who cast votes in the election decide to be represented in a separate collective bargaining unit. Upon the expiration of any collective bargaining agreement in force, the commission shall combine into a single collective bargaining unit 2 or more collective bargaining units consisting of school district employees if a majority of the employees voting in each collective bargaining unit vote to combine. Any vote taken under this subsection shall be by secret ballot.

SECTION 2239. 111.70 (4) (m) 6. of the statutes is amended to read:

111.70 (4) (m) 6. Solicitation of sealed bids for the provision of group health care benefits for school district ~~professional~~ employees as provided in s. 120.12 (24).

SECTION 2240. 111.81 (3h) of the statutes is created to read:

111.81 (3h) “Consumer” has the meaning given in s. 46.2898 (1) (cm).

SECTION 2241. 111.81 (7) (g) of the statutes is created to read:

111.81 (7) (g) For purposes of this subchapter only, home care providers. This paragraph does not make home care providers state employees for any other purpose except collective bargaining.

SECTION 2242. 111.81 (9k) of the statutes is created to read:

111.81 (9k) “Home care provider” means a qualified provider under s. 46.2898 (1) (f).

SECTION 2242s. 111.81 (17m) of the statutes is created to read:

111.81 (17m) "Research assistant" means a graduate student enrolled in the University of Wisconsin System who is receiving a stipend to conduct research that is primarily for the benefit of the student's own learning and research and which is independent or self-directed, but does not include students provided fellowships, scholarships, or traineeships which are distributed through other titles such as advanced opportunity fellow, fellow, scholar, or trainee, and does not include students with either an F-1 or a J-1 visa issued by the federal department of state.

SECTION 2243. 111.815 (1) and (2) of the statutes are amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements except that the department of health services, subject to the approval of the federal centers for medicare and medicaid services to use collective bargaining as the method of setting rates for reimbursement of home care providers, shall negotiate and administer collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements, the office, or the department of health services with regard to collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g), shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units specified in s. 111.825 (1m) ~~and~~, (2) (f), ~~and~~ (2g), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter school established by contract under s. 118.40 (2r) (cm) is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2g), the department of health services is responsible for the employer functions of the executive branch under this subchapter.

(2) In the furtherance of the policy under s. 111.80 (4), the director of the office shall, together with the appointing authorities or their representatives, represent

the state in its responsibility as an employer under this subchapter except with respect to negotiations in the collective bargaining units specified in s. 111.825 (1m), ~~and~~ (2) (f), ~~and~~ (2g). The director of the office shall establish and maintain, wherever practicable, consistent employment relations policies and practices throughout the state service.

SECTION 2243d. 111.825 (2) (g) of the statutes is created to read:

111.825 (2) (g) Research assistants of the University of Wisconsin-Madison and University of Wisconsin-Extension.

SECTION 2243p. 111.825 (2) (h) of the statutes is created to read:

111.825 (2) (h) Research assistants of the University of Wisconsin-Milwaukee.

SECTION 2243t. 111.825 (2) (i) of the statutes is created to read:

111.825 (2) (i) Research assistants of the Universities of Wisconsin-Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, and Whitewater.

SECTION 2244. 111.825 (2g) of the statutes is created to read:

111.825 (2g) A collective bargaining unit for employees who are home care providers shall be structured as a single statewide collective bargaining unit.

SECTION 2245. 111.825 (3) of the statutes is amended to read:

111.825 (3) The commission shall assign employees to the appropriate collective bargaining units set forth in subs. (1), (1m) ~~and~~, (2), ~~and~~ (2g).

SECTION 2246. 111.825 (4) of the statutes is amended to read:

111.825 (4) Any labor organization may petition for recognition as the exclusive representative of a collective bargaining unit specified in sub. (1), (1m) ~~or~~, (2), ~~or~~ (2g) in accordance with the election procedures set forth in s. 111.83, provided the petition is accompanied by a 30% showing of interest in the form of signed authorization cards. Each additional labor organization seeking to appear on the ballot shall file petitions within 60 days of the date of filing of the original petition and prove, through signed authorization cards, that at least 10% of the employees in the collective bargaining unit want it to be their representative.

SECTION 2247. 111.83 (1) of the statutes is amended to read:

111.83 (1) Except as provided in ~~sub.~~ subs. (5) ~~and~~ (5m), a representative chosen for the purposes of collective bargaining by a majority of the employees voting in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, may present grievances to the

employer in person, or through representatives of their own choosing, and the employer shall confer with said employee or group of employees in relation thereto if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the employer.

SECTION 2248. 111.83 (5m) of the statutes is created to read:

111.83 (5m) (a) This subsection applies only to a collective bargaining unit specified in s. 111.825 (2g).

(am) 1. Subject to subd. 2., the department of health services shall provide a labor organization with the list of home care providers provided to the department of health services under s. 52.20 (5) if any of the following apply:

a. The labor organization demonstrates a showing of interest of at least 3 percent of home care providers included in the collective bargaining unit under s. 111.825 (2g) to be represented by that labor organization.

b. The labor organization is a certified representative of any home care providers in this state.

c. The labor organization was a certified representative of any home care providers in this state prior to the effective date of this subdivision paragraph [LRB inserts date].

2. A labor organization shall agree to use any list it receives under subd. 1. only for communicating with home care providers concerning the exercise of their rights under s. 111.82 and shall agree to keep the list confidential.

(b) Upon the filing of a petition with the commission indicating a showing of interest of at least 30 percent of the home care providers included in the collective bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to change the existing representative, the commission shall hold an election in which the home care providers may vote on the question of representation. The labor organization named in the petition shall be included on the ballot. Within 60 days of the time that the petition is filed, another petition may be filed with the commission indicating a showing of interest of at least 10 percent of the home care providers who are included in the collective bargaining unit under s. 111.825 (2g) to be represented by another labor organization, in which case the name of that labor organization shall also be included on the ballot.

(c) If at an election held under par. (b), a majority of home care providers voting in the collective bargaining unit vote for a single labor organization, the labor organization shall be the exclusive representative for all home care providers in that collective bargaining unit. If no single labor organization receives a majority of the votes cast, the commission may hold one or more runoff elections under sub. (4) until one labor organization receives a majority of the votes cast.

SECTION 2249. 111.84 (2) (c) of the statutes is amended to read:

111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91 (1) with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (b) to (f) (g) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 2250. 111.905 of the statutes is created to read:

111.905 Rights of consumer. (1) This subchapter does not interfere with the rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise, or discipline home care providers or to set conditions and duties of employment.

(2) A home care provider is an at will provider of home care services to a consumer and this subchapter does not interfere with that relationship.

SECTION 2251. 111.91 (1) (cg) of the statutes is created to read:

111.91 (1) (cg) The representative of home care providers in the collective bargaining unit specified under s. 111.825 (2g) may not bargain collectively with respect to any matter other than wages and fringe benefits.

SECTION 2251w. 111.91 (2) (n) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

111.91 (2) (n) The provision to employees of the health insurance coverage required under s. 632.895 (11) to (14) ~~and~~, (16), ~~and~~ (17).

SECTION 2252. 111.91 (2) (nm) of the statutes is amended to read:

111.91 (2) (nm) The requirements related to providing coverage for a dependent under s. 632.885 and to continuing coverage for a dependent student on a medical leave of absence under s. 632.895 (15).

SECTION 2252m. 111.91 (2) (t) of the statutes is created to read:

111.91 (2) (t) Retention payments to assistant state public defenders under s. 977.10 (2) and retention payments to assistant district attorneys under s. 978.12 (7) (b).

SECTION 2253. 111.91 (2c) of the statutes is created to read:

111.91 (2c) In addition to the prohibited subjects under sub. (2), the employer is prohibited from bargaining with a collective bargaining unit formed under s. 111.825 (2g) on any of the following:

- (a) Policies.
- (b) Work rules.
- (c) Hours of employment.

(d) Any right of the consumer under s. 111.905.

SECTION 2254. 111.92 (1) (a) of the statutes is amended to read:

111.92 (1) (a) Any tentative agreement reached between the office, or, as provided in s. 111.815 (1), the department of health services, acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.825 (1) ~~or~~ (2) (a) to (e), or (2g) shall, after official ratification by the labor organization, be submitted by the office or department of health services to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval. If the committee approves the tentative agreement, it shall introduce in a bill or companion bills, to be put on the calendar or referred to the appropriate scheduling committee of each house, that portion of the tentative agreement which requires legislative action for implementation, such as salary and wage adjustments, changes in fringe benefits, and any proposed amendments, deletions or additions to existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit suitable portions of the tentative agreement to appropriate legislative committees for advisory recommendations on the proposed terms. The committee shall accompany the introduction of such proposed legislation with a message that informs the legislature of the committee's concurrence with the matters under consideration and which recommends the passage of such legislation without change. If the joint committee on employment relations does not approve the tentative agreement, it shall be returned to the parties for renegotiation. If the legislature does not adopt without change that portion of the tentative agreement introduced by the joint committee on employment relations, the tentative agreement shall be returned to the parties for renegotiation.

SECTION 2254g. 111.92 (2m) of the statutes is created to read:

111.92 (2m) A collective bargaining agreement entered into by a collective bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2011.

SECTION 2254L. 111.935 of the statutes is created to read:

111.935 Representatives and elections for research assistants. (1) In this section, "authorization card" means a signed card that employees complete to indicate their preferences regarding collective bargaining.

(2) Notwithstanding s. 111.83 (2), the commission shall establish a procedure whereby research assistants may determine whether to form themselves into collective bargaining units under s. 111.825 (2) (g), (h), or (i) by authorization cards in lieu of secret ballot. The procedure shall provide that once a majority of research assistants have indicated their preference on the authorization

cards to form themselves into a collective bargaining unit, the collective bargaining unit is established.

(3) Notwithstanding ss. 111.825 (4) and 111.83 (3), all of the following shall apply:

(a) The initial representative of the employees in the collective bargaining unit under s. 111.825 (2) (g) is the representative of the employees in the collective bargaining unit under s. 111.825 (2) (a).

(b) The initial representative of the employees in the collective bargaining unit under s. 111.825 (2) (h) is the representative of the employees in the collective bargaining unit under s. 111.825 (2) (b).

(c) The initial representative of the employees in the collective bargaining unit under s. 111.825 (2) (i) is either the representative of the employees in the collective bargaining unit under s. 111.825 (2) (a) or the representative of the employees in the collective bargaining unit under s. 111.825 (2) (b). The commission shall establish a procedure for selecting the representative by authorization cards in lieu of secret ballot.

SECTION 2255. Subchapter VI of chapter 111 [precedes 111.95] of the statutes is created to read:

CHAPTER 111

SUBCHAPTER VI

UNIVERSITY OF WISCONSIN SYSTEM

FACULTY AND ACADEMIC STAFF

LABOR RELATIONS

111.95 Declaration of policy. The public policy of the state as to labor relations and collective bargaining involving faculty and academic staff at the University of Wisconsin System, in furtherance of which this subchapter is enacted, is as follows:

(1) The people of the state of Wisconsin have a fundamental interest in developing harmonious and cooperative labor relations within the University of Wisconsin System.

(2) It recognizes that there are 3 major interests involved: that of the public, that of the employee, and that of the employer. These 3 interests are to a considerable extent interrelated. It is the policy of this state to protect and promote each of these interests with due regard to the rights of the others.

111.96 Definitions. In this subchapter:

(1) "Academic staff" has the meaning given under s. 36.05 (1), but does not include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who is appointed to a visiting faculty position.

(2) "Board" means the Board of Regents of the University of Wisconsin System.

(3) "Collective bargaining" means the performance of the mutual obligation of the state as an employer, by its officers and agents, and the representatives of its employees, to meet and confer at reasonable times, in good faith, with respect to the subjects of bargaining provided in s. 111.998 with the intention of reaching an agreement, or to resolve questions arising under such an

agreement. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document.

(4) "Collective bargaining unit" means a unit established under s. 111.98 (1).

(5) "Commission" means the employment relations commission.

(6) "Election" means a proceeding conducted by the commission in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives, or for any other purpose specified in this subchapter.

(7) "Employee" includes:

(a) All faculty, including specifically faculty who are supervisors or management employees, but not including faculty holding a limited appointment under s. 36.17 or deans.

(b) All academic staff, except for supervisors, management employees, and individuals who are privy to confidential matters affecting the employer-employee relationship.

(8) "Employer" means the state of Wisconsin.

(9) "Faculty" has the meaning given in s. 36.05 (8), except for an individual holding an appointment under s. 36.15.

(10) "Fair-share agreement" means an agreement between the employer and a labor organization representing employees under which all of the employees in a collective bargaining unit are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

(11) "Institution" has the meaning given in s. 36.05 (9).

(12) "Labor dispute" means any controversy with respect to the subjects of bargaining provided in this subchapter.

(13) "Labor organization" means any employee organization whose purpose is to represent employees in collective bargaining with the employer, or its agents, on matters pertaining to terms and conditions of employment, but does not include any organization that does any of the following:

(a) Advocates the overthrow of the constitutional form of government in the United States.

(b) Discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, sexual orientation, or national origin.

(14) "Maintenance of membership agreement" means an agreement between the employer and a labor organization representing employees that requires that all of the employees whose dues are being deducted from earnings under s. 20.921 (1) or 111.992 at or after the time the agreement takes effect shall continue to have dues

deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employees who are hired on or after the effective date of the agreement.

(15) "Management employees" include those personnel engaged predominately in executive and management functions.

(16) "Office" means the office of state employment relations in the department of administration.

(17) "Referendum" means a proceeding conducted by the commission in which employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair-share agreement or to terminate a fair-share agreement.

(18) "Representative" includes any person chosen by an employee to represent the employee.

(19) "Strike" includes any strike or other concerted stoppage of work by employees, any concerted slow-down or other concerted interruption of operations or services by employees, or any concerted refusal to work or perform their usual duties as employees of the state.

(20) "Supervisor" means any individual whose principal work is different from that of the individual's subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, or to adjust their grievances, or to authoritatively recommend such action, if the individual's exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(21) "Unfair labor practice" means any unfair labor practice specified in s. 111.991.

111.965 Duties of the state. (1) In the furtherance of this subchapter, the state shall be considered as a single employer. The board shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the board shall maintain close liaison with the office relative to the negotiation of agreements and the fiscal ramifications of those agreements. The board shall coordinate its collective bargaining activities with the office. The legislative branch shall act upon those portions of tentative agreements negotiated by the board that require legislative action.

(2) The board shall establish a collective bargaining capacity and shall represent the state in its responsibility as an employer under this subchapter. The board shall coordinate its actions with the director of the office.

111.97 Rights of employees. Employees shall have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing under this subchapter, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Employees shall also have the right to refrain from any such activities.

111.98 Collective bargaining units. (1) Collective bargaining units for faculty and staff in the unclassified service of the state shall be structured with a collective bargaining unit for each of the following groups:

- (a) Faculty of the University of Wisconsin-Madison.
- (b) Faculty of the University of Wisconsin-Milwaukee.
- (c) Faculty of the University of Wisconsin-Extension.
- (cm) Faculty of the University of Wisconsin-Eau Claire.
- (d) Faculty of the University of Wisconsin-Green Bay.
- (dm) Faculty of the University of Wisconsin-La Crosse.
- (e) Faculty of the University of Wisconsin-Oshkosh.
- (em) Faculty of the University of Wisconsin-Parkside.
- (f) Faculty of the University of Wisconsin-Platteville.
- (fm) Faculty of the University of Wisconsin-River Falls.
- (g) Faculty of the University of Wisconsin-Stevens Point.
- (gm) Faculty of the University of Wisconsin-Stout.
- (h) Faculty of the University of Wisconsin-Superior.
- (hm) Faculty of the University of Wisconsin-Whitewater.
- (i) Faculty of the University of Wisconsin Colleges.
- (j) Academic staff of the University of Wisconsin-Madison and academic staff employed at the University of Wisconsin System administration.
- (jm) Academic staff of the University of Wisconsin-Milwaukee.
- (k) Academic staff of the University of Wisconsin-Extension.
- (km) Academic staff of the University of Wisconsin-Eau Claire.
- (L) Academic staff of the University of Wisconsin-Green Bay.
- (Lm) Academic staff of the University of Wisconsin-La Crosse.
- (n) Academic staff of the University of Wisconsin-Oshkosh.
- (nm) Academic staff of the University of Wisconsin-Parkside.
- (o) Academic staff of the University of Wisconsin-Platteville.
- (om) Academic staff of the University of Wisconsin-River Falls.
- (p) Academic staff of the University of Wisconsin-Stevens Point.
- (pm) Academic staff of the University of Wisconsin-Stout.
- (q) Academic staff of the University of Wisconsin-Superior.

(qm) Academic staff of the University of Wisconsin-Whitewater.

(r) Academic staff of the University of Wisconsin Colleges.

(2) (a) Notwithstanding sub. (1), 2 or more collective bargaining units described under sub. (1) (a) to (r) may be combined into a single unit. If 2 or more collective bargaining units seek to combine into a single collective bargaining unit, the commission shall, upon the petition of at least 30 percent of the employees in each unit, hold an election, or include on any ballot for an election held under s. 111.990 (2) the question of whether to combine units, to determine whether a majority of those employees voting in each unit desire to combine into a single unit. A combined collective bargaining unit shall be formed including all employees from each of those units in which a majority of the employees voting in the election approve a combined unit. The combined collective bargaining unit shall be formed immediately if there is no existing collective bargaining agreement in force in any of the units to be combined. If there is a collective bargaining agreement in force at the time of the election in any of the collective bargaining units to be combined, the combined unit shall be formed upon expiration of the last agreement for the units concerned.

(b) If 2 or more collective bargaining units have combined under par. (a), the commission shall, upon petition of at least 30 percent of the employees in any of the original units, hold an election of the employees in the original unit to determine whether the employees in that unit desire to withdraw from the combined collective bargaining unit. If a majority of the employees voting desire to withdraw from the combined collective bargaining unit, separate units consisting of the unit in which the election was held and a unit composed of the remainder of the combined unit shall be formed. The new collective bargaining units shall be formed immediately if there is no collective bargaining agreement in force for the combined unit. If there is a collective bargaining agreement in force for the combined collective bargaining unit, the new units shall be formed upon the expiration of the agreement. While there is a collective bargaining agreement in force for the combined collective bargaining unit, a petition for an election under this paragraph may be filed only during October in the calendar year prior to the expiration of the agreement.

(3) The commission shall assign employees to the appropriate collective bargaining units described under sub. (1) or (2) or under s. 111.825 (1) or (2).

(4) Any labor organization may petition for recognition as the exclusive representative of a collective bargaining unit described under sub. (1) or (2) in accordance with the election procedures under s. 111.990 if the petition is accompanied by a 30 percent showing of interest in the form of signed authorization cards. Any additional labor organization seeking to appear on the ballot shall

file a petition within 60 days of the date of filing of the original petition and prove, through signed authorization cards, that at least 10 percent of the employees in the collective bargaining unit want it to be their representative.

(5) Although academic staff supervisors are not considered employees for the purpose of this subchapter, the commission may consider a petition for a statewide collective bargaining unit consisting of academic staff supervisors, but the representative of the supervisors may not be affiliated with any labor organization representing employees. For purposes of this subsection, affiliation does not include membership in a national, state, county, or municipal federation of national or international labor organizations. The certified representative of the supervisors may not bargain collectively with respect to any matter other than wages and fringe benefits.

111.990 Representatives and elections. (1) A representative chosen for the purposes of collective bargaining by a majority of the employees voting in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, may present any grievance to the employer in person, or through representatives of their own choosing, and the employer shall confer with the individual employee or group of employees with respect to the grievance if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the employer.

(2) (a) Whenever a question arises concerning the representation of employees in a collective bargaining unit, the commission shall determine the representation by taking a secret ballot of the employees and certifying in writing the results to the interested parties and to the board. There shall be included on any ballot for the election of representatives the names of all labor organizations having an interest in representing the employees participating in the election as indicated in petitions filed with the commission. The name of any existing representative shall be included on the ballot without the necessity of filing a petition. The commission may exclude from the ballot one who, at the time of the election, stands deprived of his or her rights under this subchapter by reason of a prior adjudication of his or her having engaged in an unfair labor practice. The ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot.

(b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit composed of employees who are members of the faculty or academic staff, whenever more than one representative qualifies to appear on the ballot, the ballot shall be so prepared as to provide sepa-

rate votes on 2 questions. The first question shall be: "Shall the employees of the (name of collective bargaining unit) participate in collective bargaining?". The 2nd question shall be: "If the employees of the (name of collective bargaining unit) elect to participate in collective bargaining, which labor organization do you favor to act as representative of the employees?". The 2nd question shall not include a choice for no representative. All employees in the collective bargaining unit may vote on both questions. Unless a majority of those employees voting in the election vote to participate in collective bargaining, no votes for a particular representative may be counted. If a majority of those employees voting in the election vote to participate in collective bargaining, the ballots for representatives shall be counted.

2. For elections in a collective bargaining unit composed of employees who are members of the faculty or academic staff, whenever more than one representative qualifies to appear on the ballot and a question of whether to combine collective bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot, the ballot shall be so prepared as to provide separate votes on 3 questions and each ballot shall identify the collective bargaining unit to which each voter currently belongs. The first question shall be: "Shall the employees of the (name of the voter's current collective bargaining unit) participate in collective bargaining?". The 2nd question shall be "Shall the employees of the (names of all of the collective bargaining units that qualify to appear on the ballot, including the name of the voter's current collective bargaining unit) combine to participate in collective bargaining?". The 3rd question shall be: "If the employees of the (name of the voter's current collective bargaining unit) elect to participate in collective bargaining, which labor organization do you favor to act as representative of the employees?". The 3rd question shall not include a choice for no representative. All employees in the collective bargaining unit may vote on all questions. Unless a majority of those employees voting in the election vote to participate in collective bargaining, no votes for combination or for a particular representative may be counted. If a majority of those employees voting in the election vote to participate in collective bargaining, the ballots for combination shall be counted. If the ballots for combination are counted and a majority of those employees voting from each collective bargaining unit listed in the 2nd question on the ballot vote to combine, then the ballots for representatives of the combined collective bargaining unit shall be counted. If the ballots for combination are counted and a majority of those employees voting from each collective bargaining unit listed in the 2nd question on the ballot do not vote to combine, then the ballots for representatives of each current collective bargaining unit shall be counted.

(c) The commission's certification of the results of any election is conclusive as to the findings included therein unless reviewed under s. 111.07 (8).

(3) Whenever an election has been conducted under sub. (2) in which the ballots for representatives have been counted but in which no named representative is favored by a majority of the employees voting, the commission may, if requested by a party to the proceeding within 30 days from the date of the certification of the results of the election, conduct a runoff election. In that runoff election, the commission shall drop from the ballot the name of the representative who received the least number of votes at the original election.

(4) While a collective bargaining agreement between a labor organization and an employer is in force under this subchapter, a petition for an election in the collective bargaining unit to which the agreement applies may be filed only during October in the calendar year prior to the expiration of that agreement. An election held under that petition may be held only if the petition is supported by proof that at least 30 percent of the employees in the collective bargaining unit desire a change or discontinuance of existing representation. Within 60 days of the time that an original petition is filed, another petition may be filed supported by proof that at least 10 percent of the employees in the same collective bargaining unit desire a different representative. If a majority of the employees in the collective bargaining unit vote for a change or discontinuance of representation by any named representative, the decision takes effect upon expiration of any existing collective bargaining agreement between the employer and the existing representative.

111.991 Unfair labor practices. (1) It is an unfair labor practice for an employer individually or in concert with others:

(a) To interfere with, restrain, or coerce employees in the exercise of their rights guaranteed under s. 111.97.

(b) Except as otherwise provided in this paragraph, to initiate, create, dominate, or interfere with the formation or administration of any labor or employee organization or contribute financial support to it. Except as provided in ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement System under ch. 40 and no action by the employer that is authorized by such a law is a violation of this paragraph unless an applicable collective bargaining agreement specifically prohibits the change or action. No such change or action affects the continuing duty to bargain collectively regarding the Wisconsin Retirement System under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice for the employer to reimburse an employee at his or her prevailing wage rate for the time spent during the employee's regularly scheduled hours conferring with the employer's officers or agents and for attendance at commission or court hearings necessary for the administration of this subchapter.

(c) To encourage or discourage membership in any labor organization by discrimination in regard to hiring, tenure, or other terms or conditions of employment. This paragraph does not apply to fair-share or maintenance of membership agreements.

(d) To refuse to bargain collectively on matters set forth in s. 111.998 with a representative of a majority of its employees in an appropriate collective bargaining unit. Whenever the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in an appropriate collective bargaining unit does in fact have that support, it may file with the commission a petition requesting an election as to that claim. The employer is not considered to have refused to bargain until an election has been held and the results of the election are certified to the employer by the commission. A violation of this paragraph includes the refusal to execute a collective bargaining agreement previously orally agreed upon.

(e) To violate any collective bargaining agreement previously agreed upon by the parties with respect to wages, hours, and conditions of employment affecting the employees, including an agreement to arbitrate or to accept the terms of an arbitration award, when previously the parties have agreed to accept such award as final and binding upon them.

(f) To deduct labor organization dues from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable by at least the end of any year of its life or earlier by the employee giving at least 30 but not more than 120 days' written notice of such termination to the employer and to the representative labor organization, except if there is a fair-share or maintenance of membership agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination.

(1m) Notwithstanding sub. (1), it is not an unfair labor practice for the board to implement changes in salaries or conditions of employment for members of the faculty or academic staff at one institution, and not for other members of the faculty or academic staff at another institution, but this may be done only if the differential treatment is based on comparisons with the compensation and working conditions of employees performing similar services for comparable higher education institutions or based upon other competitive factors.

(2) It is unfair practice for an employee individually or in concert with others:

(a) To coerce or intimidate an employee in the enjoyment of the employee's legal rights, including those guaranteed under s. 111.97.

(b) To coerce, intimidate, or induce any officer or agent of the employer to interfere with any of the employer's employees in the enjoyment of their legal rights including those guaranteed under s. 111.97 or to engage

in any practice with regard to its employees which would constitute an unfair labor practice if undertaken by the officer or agent on the officer's or agent's own initiative.

(c) To refuse to bargain collectively on matters specified in s. 111.998 with the authorized officer or agent of the employer that is the recognized or certified exclusive collective bargaining representative of employees in an appropriate collective bargaining unit. Such refusal to bargain shall include a refusal to execute a collective bargaining agreement previously orally agreed upon.

(d) To violate the provisions of any written agreement with respect to terms and conditions of employment affecting employees, including an agreement to arbitrate or to accept the terms of an arbitration award, when previously the parties have agreed to accept such awards as final and binding upon them.

(e) To engage in, induce, or encourage any employees to engage in a strike or a concerted refusal to work or perform their usual duties as employees.

(f) To coerce or intimidate a supervisory employee, officer, or agent of the employer, working at the same trade or profession as the employer's employees, to induce the person to become a member of or act in concert with the labor organization of which the employee is a member

(3) It is an unfair labor practice for any person to do or cause to be done on behalf of or in the interest of employers or employees, or in connection with or to influence the outcome of any controversy as to employment relations, any act prohibited by subs. (1) and (2).

(4) Any controversy concerning unfair labor practices may be submitted to the commission as provided in s. 111.07, except that the commission shall schedule a hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after filing of a complaint, and notice shall be given to each party interested by service on the party personally, or by telegram, advising the party of the nature of the complaint and of the date, time, and place of hearing. The commission may appoint a substitute tribunal to hear unfair labor practice charges by either appointing a 3-member panel or submitting a 7-member panel to the parties and allowing each to strike 2 names. Any such panel shall report its finding to the commission for appropriate action.

111.992 Fair-share and maintenance of membership agreements. (1) (a) 1. No fair-share agreement may become effective unless authorized by a referendum. The commission shall order a referendum whenever it receives a petition supported by proof that at least 30 percent of the employees or supervisors specified in s. 111.98 (5) in a collective bargaining unit desire that a fair-share agreement be entered into between the employer and a labor organization.

2. For a fair-share agreement to be authorized, at least a majority of the eligible employees or supervisors

voting in a referendum shall vote in favor of the agreement.

(b) No maintenance of membership agreement may be effective unless authorized. For a maintenance of membership agreement to be authorized, the employer and the labor organization representing the employees must voluntarily agree to establish the maintenance of membership agreement.

(c) If a fair-share agreement is authorized in a referendum, the employer shall enter into a fair-share agreement with the labor organization named on the ballot in the referendum. If a maintenance of membership agreement is authorized under par. (b), the employer shall enter into the maintenance of membership agreement with the labor union that voluntarily agreed to establish the agreement. Each fair-share or maintenance of membership agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the employees or supervisors affected by the agreement and to pay the amount so deducted to the labor organization. Unless the parties agree to an earlier date, a fair-share agreement shall take effect 60 days after the commission certifies that the referendum vote authorized the fair-share agreement and a maintenance of membership agreement shall take effect 60 days after the commission certifies that the parties have voluntarily agreed to establish the maintenance of membership agreement. The employer shall be held harmless against any claims, demands, suits, and other forms of liability made by employees or supervisors or local labor organizations which may arise for actions taken by the employer in compliance with this section. All such lawful claims, demands, suits, and other forms of liability are the responsibility of the labor organization entering into the agreement.

(d) Under each fair-share or maintenance of membership agreement, an employee or supervisor who has religious convictions against dues payments to a labor organization based on teachings or tenets of a church or religious body of which he or she is a member shall, on request to the labor organization, have his or her dues paid to a charity mutually agreed upon by the employee or supervisor and the labor organization. Any dispute concerning this paragraph may be submitted to the commission for adjudication.

(2) (a) 1. Once authorized, a fair-share agreement shall continue in effect, subject to the right of the employer or labor organization concerned to petition the commission to conduct a new referendum. Such a petition must be supported by proof that at least 30 percent of the employees or supervisors in the collective bargaining unit desire that the fair-share agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the fair-share agreement is approved in the referendum by at least the

percentage of eligible voting employees or supervisors required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the procedure prescribed in this subsection. If the continuance of the fair-share agreement is not supported in any referendum, it is considered terminated at the termination of the collective bargaining agreement, or one year from the date of the certification of the result of the referendum, whichever is earlier.

2. Once authorized, a maintenance of membership agreement shall continue in effect, subject to the right of the employer or the labor organization concerned to notify the commission that it no longer voluntarily agrees to continue the agreement. After the commission is notified, the maintenance of membership agreement is terminated at the termination of the collective bargaining agreement or one year from the notification, whichever is earlier.

(b) The commission shall declare any fair-share or maintenance of membership agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, or creed to receive as a member any employee or supervisor in the collective bargaining unit involved, and the agreement shall be made subject to the findings and orders of the commission. Any of the parties to the agreement, or any employee or supervisor covered under the agreement, may come before the commission, as provided in s. 111.07, and petition the commission to make such a finding.

(3) A stipulation for a referendum executed by an employer and a labor organization may not be filed until after the representation election has been held and the results certified.

(4) The commission may, under rules adopted for that purpose, appoint as its agent an official of a state agency whose employees are entitled to vote in a referendum to conduct a referendum under this section.

111.993 Grievance arbitration. (1) Parties to the dispute pertaining to the interpretation of a collective bargaining agreement may agree in writing to have the commission or any other appointing state agency serve as arbitrator or may designate any other competent, impartial, and disinterested persons to so serve. Such arbitration proceedings shall be governed by ch. 788.

(2) The board shall charge an institution for the employer's share of the cost related to grievance arbitration under sub. (1) for any arbitration that involves one or more employees of the institution. Each institution so charged shall pay the amount that the board charges from the appropriation account or accounts used to pay the salary of the grievant. Funds received under this subsection shall be credited to the appropriation account under s. 20.545 (1) (km).

111.994 Mediation. The commission may appoint any competent, impartial, disinterested person to act as mediator in any labor dispute either upon its own initiative or upon the joint request of both parties to the dispute. It is the function of a mediator to bring the parties together voluntarily under such favorable auspices as will tend to effectuate settlement of the dispute, but neither the mediator nor the commission shall have any power of compulsion in mediation proceedings.

111.995 Fact-finding. (1) If a dispute has not been settled after a reasonable period of negotiation and after the settlement procedures, if any, established by the parties have been exhausted, the representative that has been certified by the commission after an election, as the exclusive representative of employees in an appropriate bargaining unit, and the employer, its officers, and agents, after a reasonable period of negotiation, are deadlocked with respect to any dispute between them arising in the collective bargaining process, either party, or the parties jointly, may petition the commission, in writing, to initiate fact-finding under this section, and to make recommendations to resolve the deadlock.

(2) Upon receipt of a petition to initiate fact-finding, the commission shall make an investigation with or without a formal hearing, to determine whether a deadlock in fact exists. The commission shall certify the results of the investigation. If the commission decides that fact-finding should be initiated, it shall appoint a qualified, disinterested person or, when jointly requested by the parties, a 3-member panel to function as a fact finder.

(3) The fact finder may establish dates and place of hearings and shall conduct the hearings under rules established by the commission. Upon request, the commission shall issue subpoenas for hearings conducted by the fact finder. The fact finder may administer oaths. Upon completion of the hearing, the fact finder shall make written findings of fact and recommendations for solution of the dispute and shall cause the same to be served on the parties and the commission. In making findings and recommendations, the fact finder shall take into consideration among other pertinent factors the principles vital to the public interest in efficient and economical governmental administration. Upon the request of either party, the fact finder may orally present the recommendations in advance of service of the written findings and recommendations. Cost of fact-finding proceedings shall be divided equally between the parties. At the time the fact finder submits a statement of his or her costs to the parties, the fact finder shall submit a copy thereof to the commission at its Madison office.

(4) A fact finder may mediate a dispute at any time prior to the issuance of the fact finder's recommendations.

(5) Within 30 days of the receipt of the fact finder's recommendations or within a time period mutually agreed upon by the parties, each party shall advise the

other, in writing, as to the party's acceptance or rejection, in whole or in part, of the fact finder's recommendations and, at the same time, send a copy of the notification to the commission at its Madison office. Failure to comply with this subsection, by the employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

111.996 Strike prohibited. (1) Upon establishing that a strike is in progress, the employer may either seek an injunction or file an unfair labor practice charge with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the board to decide whether to seek an injunction or file an unfair labor practice charge. The existence of an administrative remedy does not constitute grounds for denial of injunctive relief.

(2) The occurrence of a strike and the participation in the strike by an employee do not affect the rights of the employer, in law or in equity, to deal with the strike, including all of the following:

(a) The right to impose discipline, including discharge, or suspension without pay, of any employee participating in the strike.

(b) The right to cancel the reinstatement eligibility of any employee engaging in the strike.

(c) The right of the employer to request the imposition of fines, either against the labor organization or the employee engaging in the strike, or to sue for damages because of such strike activity.

111.997 Management rights. Nothing in this subchapter shall interfere with the right of the board, in accordance with this subchapter, to do any of the following:

(1) Carry out the statutory mandate and goals assigned to the board by the most appropriate and efficient methods and means and utilize personnel in the most appropriate and efficient manner possible.

(2) Suspend, demote, discharge, or take other appropriate disciplinary action against the employee; or to lay off employees in the event of lack of work or funds or under conditions where continuation of such work would be inefficient and nonproductive.

111.998 Subjects of bargaining. (1) (a) Except as provided in pars. (b) to (f), matters subject to collective bargaining to the point of impasse are salaries; fringe benefits consistent with sub. (2); and hours and conditions of employment.

(b) The board is not required to bargain on management rights under s. 111.997, except that procedures for the adjustment or settlement of grievances or disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of bargaining.

(c) The board is prohibited from bargaining on matters contained in sub. (2).

(d) Except as provided in sub. (2) (d) and (e) and ss. 40.02 (22) (e) and 40.23 (1) (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all actions of the board that are authorized under any such

law which apply to nonrepresented individuals employed by the state shall apply to similarly situated employees, unless otherwise specifically provided in a collective bargaining agreement that applies to those employees.

(e) Demands relating to retirement and group insurance shall be submitted to the board at least one year prior to commencement of negotiations.

(f) The board is not required to bargain on matters related to employee occupancy of houses or other lodging provided by the state.

(2) The board is prohibited from bargaining on:

(a) The mission and goals of the board as set forth in the statutes; the diminution of the right of tenure provided the faculty under s. 36.13, the rights granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the rights of appointment provided academic staff under s. 36.15; or academic freedom.

(b) Amendments to this subchapter.

(c) Family leave and medical leave rights below the minimum afforded under s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights to family leave or medical leave which are more generous to the employee than the rights provided under s. 103.10.

(d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a) 3.

(e) The rights of employees to have retirement benefits computed under s. 40.30.

(f) Honesty testing requirements that provide fewer rights and remedies to employees than are provided under s. 111.37.

(h) Creditable service to which s. 40.285 (2) (b) 4. applies.

(i) Compliance with the health benefit plan requirements under ss. 632.746 (1) to (8) and (10), 632.747, and 632.748.

(j) Compliance with the insurance requirements under s. 631.95.

(k) The definition of earnings under s. 40.02 (22).

(L) The maximum benefit limitations under s. 40.31

(m) The limitations on contributions under s. 40.32.

(n) The provision to employees of the health insurance coverage required under s. 632.895 (11) to (14).

(o) The requirements related to coverage of and prior authorization for treatment of an emergency medical condition under s. 632.85.

(p) The requirements related to coverage of drugs and devices under s. 632.853.

(q) The requirements related to experimental treatment under s. 632.855.

(r) The requirements under s. 609.10 related to offering a point-of-service option plan.

(s) The requirements related to internal grievance procedures under s. 632.83 and independent review of certain health benefit plan determinations under s. 632.835.

(3) Upon request, the chancellor at each institution, or his or her designee, shall meet and confer with the collective bargaining representative, if any, with regard to any issue that is a permissive subject of bargaining, except when the issue is under active consideration by a governance organization under s. 36.09 (4) or (4m).

111.999 Labor proposals. The board shall notify and consult with the joint committee on employment relations, in such form and detail as the committee requests, regarding substantial changes in wages, employee benefits, personnel management, and program policy contract provisions to be included in any contract proposal to be offered to any labor organization by the state or to be agreed to by the state before such proposal is actually offered or accepted.

111.9991 Agreements. (1) Any tentative agreement reached between the board, acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.98 shall, after official ratification by the labor organization, be submitted by the board to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval. If the committee approves the tentative agreement, it shall introduce in a bill or companion bills, to be put on the calendar or referred to the appropriate scheduling committee of each house, that portion of the tentative agreement which requires legislative action for implementation, such as salary and wage adjustments, changes in fringe benefits, and any proposed amendments, deletions, or additions to existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6) (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of the tentative agreement to appropriate legislative committees for advisory recommendations on the proposed terms. The committee shall accompany the introduction of such proposed legislation with a message that informs the legislature of the committee's concurrence with the matters under consideration and that recommends the passage of such legislation without change. If the joint committee on employment relations does not approve the tentative agreement, it shall be returned to the parties for renegotiation. If the legislature does not adopt without change that portion of the tentative agreement introduced by the joint committee on employment relations, the tentative agreement shall be returned to the parties for renegotiation.

(2) No portion of any tentative agreement shall become effective separately.

(3) Agreements shall coincide with the fiscal year or biennium.

(4) The negotiation of collective bargaining agreements and their approval by the parties should coincide with the overall fiscal planning and processes of the state.

(5) All compensation adjustments for employees shall be effective on the beginning date of the pay period nearest the statutory or administrative date.

111.9992 Status of existing benefits and rights. Unless a prohibited subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules governing the salaries, fringe benefits, hours, and conditions of employment apply to each employee, unless otherwise provided in a collective bargaining agreement.

111.9993 Rules, transcripts, fees. (1) The commission may adopt reasonable and proper rules relative to the exercise of its powers and authority and proper rules to govern its proceedings and to regulate the conduct of all elections and hearings under this subchapter. The commission shall, upon request, provide a transcript of a proceeding to any party to the proceeding for a fee, established by rule, by the commission at a uniform rate per page. All transcript fees shall be credited to the appropriation account under s. 20.425 (1) (i).

(2) The commission shall assess and collect a filing fee for filing a complaint alleging that an unfair labor practice has been committed under s. 111.991. The commission shall assess and collect a filing fee for filing a request that the commission act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.993. The commission shall assess and collect a filing fee for filing a request that the commission initiate fact-finding under s. 111.995. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.994. For the performance of commission actions under ss. 111.993, 111.994, and 111.995, the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that an unfair labor practice has been committed under s. 111.991, the commission shall require that the party filing the complaint pay the entire fee. If any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the labor dispute, the commission may not subsequently assess or collect a filing fee to initiate fact-finding to resolve the same labor dispute. If any request concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be treated as a separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for fact-finding, mediation, or arbitration. A complaint or request for fact-finding, mediation, or

arbitration is not filed until the date such fee or fees are paid. Fees collected under this subsection shall be credited to the appropriation account under s. 20.425 (1) (i).

SECTION 2255m. 115.28 (52) of the statutes is amended to read:

115.28 (52) ADULT LITERACY GRANTS. From the appropriation under s. 20.255 (3) (b), award grants to nonprofit organizations, as defined in s. 108.02 (19), to support programs that train community-based adult literacy staff and to establish new volunteer-based programs in areas of this state that have a demonstrated need for adult literacy services. No grant may exceed \$10,000, and no organization may receive more than one grant in any fiscal year.

SECTION 2256g. 115.38 (2) of the statutes is renumbered 115.38 (2) (a) and amended to read:

115.38 (2) (a) Annually by January 1, each school board shall notify the parent or guardian of each pupil enrolled in the school district of the right to request a school and school district performance report under this subsection. Annually Except as provided in par. (b), annually by May 1, each school board shall, upon request, distribute to the parent or guardian of each pupil enrolled in the school district, including pupils enrolled in charter schools located in the school district, or give to each pupil to bring home to his or her parent or guardian, a school and school district performance report that includes the information specified by the state superintendent under sub. (1). The report shall also include a comparison of the school district's performance under sub. (1) (a) and (b) with the performance of other school districts in the same athletic conference under sub. (1) (a) and (b). If the school district maintains an Internet site, the report shall be made available to the public at that site.

SECTION 2256r. 115.38 (2) (b) of the statutes is created to read:

115.38 (2) (b) If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, that school board shall, upon request, distribute to the parent or guardian of each pupil enrolled in the charter school a school and school district performance report that includes the information specified by the state superintendent under sub. (1), regardless of the location of the charter school.

SECTION 2256t. 115.436 (3) (a) (intro.), 1. and 2. of the statutes are consolidated, renumbered 115.436 (3) (a) and amended to read:

115.436 (3) (a) Beginning in the ~~2008-09~~ 2009-10 school year, from the appropriation under s. 20.255 (2) (ae) and subject to par. (b), the department shall pay to each school district eligible for sparsity aid the following amount from the appropriation under s. 20.255 (2) (ae), subject to par. (b): 1. ~~If less than 50 percent of the school district's membership in the previous school year was eligible for a free or reduced-price lunch under 42 USC~~

~~1758 (b), \$150 multiplied by the membership in the previous school year.~~ 2. ~~If 50 percent or more of the school district's membership in the previous school year was eligible for a free or reduced-price lunch under 42 USC 1758 (b), \$300 multiplied by the membership in the previous school year.~~

SECTION 2257. 115.745 of the statutes is created to read:

115.745 Tribal language revitalization grants. (1) A school board or cooperative educational service agency, in conjunction with a tribal education authority, may apply to the department for a grant for the purpose of supporting innovative, effective instruction in one or more American Indian languages.

(2) The department shall award grants under sub. (1) from the appropriation under s. 20.255 (2) (km).

(3) The department shall promulgate rules to implement and administer this section.

SECTION 2258m. 118.07 (4) (a) 2. of the statutes is created to read:

118.07 (4) (a) 2. If a school district is created or a public or private school opens after the effective date of this paragraph [LRB inserts date], the school board or governing body of the private school shall have in effect a school safety plan for each public or private school within 3 years of its creation or opening.

SECTION 2258n. 118.07 (4) (b) to (d) of the statutes are created to read:

118.07 (4) (b) A school safety plan shall be created with the active participation of appropriate parties, as specified by the school board or governing body of the private school. The appropriate parties may include local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals, as defined in s. 118.257 (1) (c), and mental health professionals. A school safety plan shall include general guidelines specifying procedures for emergency prevention and mitigation, preparedness, response, and recovery. The plan shall also specify the process for reviewing the methods for conducting drills required to comply with the plan.

(c) The school board or governing body of the private school shall determine which persons are required to receive school safety plan training and the frequency of the training. The training shall be based upon the school district's or private school's prioritized needs, risks, and vulnerabilities.

(d) Each school board and the governing body of each private school shall review the school safety plan at least once every 3 years after the plan goes into effect.

SECTION 2259. 118.125 (4) of the statutes is amended to read:

118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district and a private school participating in the program under s. 119.23 shall transfer to another school or school district all pupil records relating to a specific pupil if the transferring school district or private

school has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and "school district" include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled; that provides an educational program for its residents instead of or in addition to that which is provided by public and private schools.

SECTION 2264. 118.245 of the statutes is repealed.

SECTION 2265. 118.30 (1g) (a) 1. of the statutes is amended to read:

118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil academic standards in mathematics, science, reading and writing, geography, and history. ~~If the governor has issued The school board may adopt the pupil academic standards issued by the governor as an executive order under s. 14.23, the school board may adopt those standards no. 326, dated January 13, 1998.~~

SECTION 2266. 118.30 (1g) (a) 3. of the statutes is created to read:

118.30 (1g) (a) 3. The governing body of each private school participating in the program under s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and writing, geography, and history. The governing body of the private school may adopt the pupil academic standards issued by the governor as executive order no. 326, dated January 13, 1998.

SECTION 2266d. 118.30 (1m) (a) of the statutes is amended to read:

118.30 (1m) (a) 1. Except as provided in ~~sub. subs. (6) and (7)~~, administer the 4th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade.

2. ~~Beginning on July 1, 2002, if Except as provided in sub. (7), if~~ the school board has developed or adopted its own 4th grade examination, administer that examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade.

SECTION 2266h. 118.30 (1m) (am) of the statutes is amended to read:

118.30 (1m) (am) 1. Except as provided in ~~sub. subs. (6) and (7)~~, administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils

enrolled in charter schools located in the school district, in the 8th grade.

2. ~~Beginning on July 1, 2002, if Except as provided in sub. (7), if~~ the school board has developed or adopted its own 8th grade examination, administer that examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 8th grade.

SECTION 2266p. 118.30 (1m) (b) of the statutes is amended to read:

118.30 (1m) (b) ~~Administer Except as provided in sub. (7), administer~~ the 10th grade examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 10th grade.

SECTION 2267. 118.30 (1s) of the statutes is created to read:

118.30 (1s) (a) Except as provided in par. (b), annually, the governing body of each private school participating in the program under s. 119.23 shall do all of the following:

1. Administer the 4th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 4th grade in the private school under s. 119.23.

2. Administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 8th grade in the private school under s. 119.23.

3. Administer the 10th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 10th grade in the private school under s. 119.23.

4. Administer to pupils attending the private school under s. 119.23 all other examinations in reading, mathematics, and science that are required to be administered to public school pupils under 20 USC 6311 (b) (3).

(b) If, before January 1, 2010, the state superintendent notifies in writing the cochairpersons of the joint committee on finance and the chairpersons of the appropriate standing committees in each house of the legislature that the department will adopt or approve substantially redesigned examinations under sub. (1) to be initially administered to pupils in the 2011-12 school year, then, in the 2010-11 school year, the governing body of each private school participating in the program under s. 119.23 shall administer nationally normed standardized tests in reading, mathematics, and science to pupils attending the school under s. 119.23 in the 4th, 8th, and 10th grades instead of administering the examinations under par. (a).

SECTION 2268. 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

118.30 (2) (b) 1. If a pupil is enrolled in a special education program under subch. V of ch. 115, the school

board or operator of the charter school under s. 118.40 (2r), or governing body of the private school participating in the program under s. 119.23 shall comply with s. 115.77 (1m) (bg).

2. According to criteria established by the state superintendent by rule, the school board or operator of the charter school under s. 118.40 (2r), or governing body of the private school participating in the program under s. 119.23 may determine not to administer an examination under this section to a limited-English speaking pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or her native language or may modify the format and administration of an examination for such pupils.

SECTION 2269. 118.30 (2) (b) 5. of the statutes is created to read:

118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing body of a private school participating in the program under s. 119.23 shall excuse the pupil from taking an examination administered under sub. (1s) (a) 1. to 3.

SECTION 2269f. 118.30 (7) of the statutes is created to read:

118.30 (7) If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, that school board shall administer the examinations under sub. (1m) regardless of the location of the charter school.

SECTION 2270m. 118.33 (1) (f) 1. of the statutes is amended to read:

118.33 (1) (f) 1. By September 1, 2004, each school board operating high school grades shall develop a written policy specifying criteria for granting a high school diploma that are in addition to the requirements under par. (a). The criteria shall include the pupil's academic performance, and the recommendations of teachers. Except as provided in ~~subd. subds. 2. and 4.~~, the criteria apply to pupils enrolled in charter schools located in the school district.

SECTION 2271. 118.33 (1) (f) 2m. of the statutes is created to read:

118.33 (1) (f) 2m. The governing body of each private school participating in the program under s. 119.23 shall develop a policy specifying criteria for granting a high school diploma to pupils attending the private school under s. 119.23. The criteria shall include the pupil's academic performance and the recommendations of teachers.

SECTION 2272. 118.33 (1) (f) 3. of the statutes is amended to read:

118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an operator of a charter school under s. 118.40 (2r) may grant a high school diploma to any pupil unless the pupil has satisfied the criteria specified in the school board's or charter school's policy under subd. 1. or 2. Beginning on September 1, 2010, the gov-

erning body of a private school participating in the program under s. 119.23 may not grant a high school diploma to any pupil attending the private school under s. 119.23 unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2m.

SECTION 2272e. 118.33 (1) (f) 4. of the statutes is created to read:

118.33 (1) (f) 4. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, the criteria specified in the policy developed by that school board under subd. 1. apply to pupils enrolled in the charter school, regardless of the location of the charter school.

SECTION 2272m. 118.33 (6) (a) of the statutes is amended to read:

118.33 (6) (a) 1. Each school board shall adopt a written policy specifying the criteria for promoting a pupil from the 4th grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1m) (a) or (am), unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the school board. Except as provided in par. (b) 1. and 3., the criteria apply to pupils enrolled in charter schools located in the school district.

2. Except as provided in par. (b) 2., ~~beginning on September 1, 2002 and 3.~~, a school board may not promote a 4th grade pupil enrolled in the school district, including a pupil enrolled in a charter school located in the school district, to the 5th grade, and may not promote an 8th grade pupil enrolled in the school district, including a pupil enrolled in a charter school located in the school district, to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the school board's policy adopted under subd. 1.

SECTION 2272s. 118.33 (6) (b) 3. of the statutes is created to read:

118.33 (6) (b) 3. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, the criteria specified in the policy adopted by that school board under par. (a) 1. apply to pupils enrolled in the charter school and that school board is subject to the prohibitions in par. (a) 2. with respect to pupils enrolled in the charter school, regardless of the location of the charter school.

SECTION 2273. 118.33 (6) (c) of the statutes is created to read:

118.33 (6) (c) 1. The governing body of each private school participating in the program under s. 119.23 shall adopt a written policy specifying criteria for promoting a pupil who is attending the private school under s. 119.23 from the 4th grade to the 5th grade and from the 8th grade

to the 9th grade. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1s) (a) 1. or 2., unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the governing body of the private school.

2. Beginning on September 1, 2010, the governing body of a private school participating in the program under s. 119.23 may not promote a 4th grade pupil who is attending the private school under s. 119.23 to the 5th grade, and may not promote an 8th grade pupil who is attending the private school under s. 119.23 to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the governing body's policy under subd. 1.

SECTION 2273bd. 118.40 (2r) (e) 1. of the statutes is renumbered 118.40 (2r) (e) 1. a. and amended to read:

118.40 (2r) (e) 1. a. ~~From In the 2009-10 and 2010-11 school years, from~~ the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. or (bg) in the current school year as compared to the previous school year, multiplied by the number of pupils attending the charter school.

c. The amount paid per pupil under this subdivision may not be less than the amount paid per pupil under this subdivision in the previous school year. The department shall pay 25% of the total amount in September, 25% in December, 25% in February, and 25% in June. The department shall send the check to the operator of the charter school.

SECTION 2273be. 118.40 (2r) (e) 1. b. of the statutes is created to read:

118.40 (2r) (e) 1. b. In the 2011-12 school year and in each school year thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the per pupil revenue limit adjustment under s. 121.91 (2m) in the current school year, multiplied by the number of pupils attending the charter school.

SECTION 2273bf. 118.40 (2r) (f) of the statutes is created to read:

118.40 (2r) (f) When establishing or contracting for the establishment of a charter school under this subsection, an entity specified under par. (b) shall consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers.

SECTION 2273d. 118.40 (3) (c) 1. of the statutes is renumbered 118.40 (3) (c) 1. (intro.) and amended to read:

118.40 (3) (c) 1. (intro.) A school board may not enter into a contract for the establishment of a charter school located outside the school district, except ~~that if~~ as follows:

a. If 2 or more school boards enter into an agreement under s. 66.0301 to establish a charter school, the charter school shall be located within one of the school districts, ~~and if,~~

b. If one or more school boards enter into an agreement with the board of control of a cooperative educational service agency to establish a charter school, the charter school shall be located within the boundaries of the cooperative educational service agency. ~~This subdivision~~

1m. Subdivision 1. does not apply to the establishment of a virtual charter school.

SECTION 2273h. 118.40 (3) (c) 1. c. of the statutes is created to read:

118.40 (3) (c) 1. c. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, the charter school shall be located within the school district or within the boundaries of the tribe's or band's reservation.

SECTION 2273p. 118.40 (7) (am) 4. of the statutes is created to read:

118.40 (7) (am) 4. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school under sub. (3) (c) 1. c., that school board shall determine whether the charter school is an instrumentality of the school district regardless of the location of the charter school.

SECTION 2273t. 118.40 (7) (ar) of the statutes is amended to read:

118.40 (7) (ar) Nothing in this subsection affects the rights of personnel of a charter school that is an instrumentality of ~~the a~~ school district ~~in which it is located~~ to engage in collective bargaining pursuant to subch. IV of ch. 111.

SECTION 2274t. 118.51 (16) (e) of the statutes is created to read:

118.51 (16) (e) If in any school year the number determined in par. (a) 2. less the number determined in par. (a) 1. is greater than 10 percent of the school district's membership used to calculate general school aids in that school year, in the following school year the department shall pay to the school district, from the appropriation account under s. 20.255 (2) (ch), the amount determined as follows:

1. Subtract the number of pupils determined in par. (a) 1. for the calculation under par. (e) (intro.) from the number of pupils determined in par. (a) 2 for the calculation under par. (e) (intro.).

2. Multiply the school district's membership used for the calculation under par. (e) (intro.) by 0.10.

3. Subtract the result under subd. 2. from the result in subd. 1.

4. Multiply the difference under subd. 3. by the amount under par. (a) 3. in the previous school year.

SECTION 2276m. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, ~~115.445~~, 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245~~, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

SECTION 2276v. 119.23 (1) (a) of the statutes is renumbered 119.23 (1) (ah).

SECTION 2276w. 119.23 (1) (ae) of the statutes is created to read:

119.23 (1) (ae) "Administrator" means the superintendent, supervising principal, executive director, or other person who acts as the administrative head of a private school participating in the program under this section.

SECTION 2276y. 119.23 (1) (am) of the statutes is created to read:

119.23 (1) (am) "Preaccreditation" means the review and approval of an educational plan. Review of an education plan includes consideration of whether the school submitting the plan meets the requirements under s. 118.165 (1). The fact that a private school has obtained preaccreditation does not require an accreditation organization to accredit the private school.

SECTION 2277. 119.23 (1) (as) of the statutes is created to read:

119.23 (1) (as) "Progress records" has the meaning given in s. 118.125 (1) (c).

SECTION 2278. 119.23 (2) (a) 3. of the statutes is amended to read:

119.23 (2) (a) 3. The private school notified the state superintendent of its intent to participate in the program under this section, and paid a nonrefundable fee set by the department, by February 1 of the previous school year. The notice shall specify the number of pupils participating in the program under this section for which the school

has space. The department shall by rule set the fee charged under this subdivision at an amount such that the total fee revenue covers the costs of employing one full-time auditor to evaluate the financial information submitted by the private schools under sub. (7) (am) and (d) 2. and 3.

SECTION 2279. 119.23 (2) (a) 6. of the statutes is renumbered 119.23 (2) (a) 6. a. and amended to read:

119.23 (2) (a) 6. a. All Except as provided in subd. 6. c., all of the private school's teachers have graduated from high school or been granted a declaration of equivalency of high school graduation a bachelor's degree from an accredited institution of higher education.

SECTION 2279d. 119.23 (2) (a) 6. b. and c. of the statutes are created to read:

119.23 (2) (a) 6. b. All of the private school's administrators have at least a bachelor's degree from an accredited institution of higher education.

c. Any teacher employed by the private school on July 1, 2010, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2010, and who does not satisfy the requirements under subd. 6. a. on July 1, 2010, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6. a. The department shall promulgate rules to implement this subd. 6. c., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6. a., including the name of the accredited institution of higher education at which the teacher is pursuing or will pursue the bachelor's degree and the anticipated date on which the teacher expects to complete the bachelor's degree. No waiver granted under this subd. 6. c. is valid after July 31, 2015.

SECTION 2280b. 119.23 (2) (a) 7. of the statutes is renumbered 119.23 (2) (a) 7. a. and amended to read:

119.23 (2) (a) 7. a. The Subject to subd. 7. c., for a private school participating in the program under this section on the effective date of this subd. 7. a. [LRB inserts date], the private school achieves accreditation by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, the Archdiocese of Milwaukee, the Institute for the Transformation of Learning at Marquette University, or any other organization recognized by the National Council for Private School Accreditation, by December 31 of the 3rd school year following the first school year that begins after June 30, 2006, in which it participates in the program under this section, or the private school was approved for scholarship funding for the 2005-06 school year by Partners Advancing Values in Education. If the private school is accredited as provided under this subd. 7. a., the private school is not required to obtain preac-

creditation from the Institute for the Transformation of Learning at Marquette University under subd. 7. b. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 2280c. 119.23 (2) (a) 7. b. of the statutes is created to read:

119.23 (2) (a) 7. b. Subject to subd. 7. c., for a private school that is a first-time participant in the program under this section on the effective date of this subd. 7. b. [LRB inserts date], and that is not accredited as provided under subd. 7. a., the private school obtains preaccreditation from the Institute for the Transformation of Learning at Marquette University by August 1 before the first school term of participation in the program under this section that begins after the effective date of this subd. 7. b. [LRB inserts date], or by May 1 if the private school begins participating in the program during summer school, and achieves accreditation by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, the Archdiocese of Milwaukee, or any other organization recognized by the National Council for Private School Accreditation, by December 31 of the 3rd school year following the first school year that begins after the effective date of this subd. 7. b. [LRB inserts date], in which it participates in the program under this section. If the private school is accredited under this subd. 7. b., the private school is not required to obtain preaccreditation from the Institute for the Transformation of Learning at Marquette University as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 2280d. 119.23 (2) (a) 7. c. of the statutes is created to read:

119.23 (2) (a) 7. c. On or after the effective date of this subd. 7. c. [LRB inserts date], a private school participating or seeking to participate in the program under this section may not apply for accreditation by the Institute for the Transformation of Learning at Marquette University, except that a private school that has applied for accreditation to the Institute for the Transformation of Learning at Marquette University before the effective date of this subd. 7. c. [LRB inserts date], may complete the accreditation process with the Institute for the Transformation of Learning at Marquette University, and may seek renewal of accreditation from the Institute for the Transformation of Learning at Marquette University.

SECTION 2281. 119.23 (2) (a) 8. of the statutes is created to read:

119.23 (2) (a) 8. Notwithstanding s. 118.165 (1) (c), the private school annually provides at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Hours provided under this subdivision include recess and

time for pupils to transfer between classes but do not include the lunch periods.

SECTION 2282. 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) (intro.) and amended to read:

119.23 (2) (b) (intro.) No more than 22,500 pupils, as counted under s. 121.004 (7), may attend private schools under this section. Whenever the state superintendent determines that the limit is reached, he or she shall issue an order prohibiting the participating private schools from accepting additional pupils until he or she determines that the number of pupils attending private schools under this section has fallen below the limit. If the number of pupils attending private schools under this section falls below the limit under this paragraph, the state superintendent shall issue an order notifying participating private schools that they may begin accepting additional pupils, and, notwithstanding sub. (3) (a), participating private schools that wish to accept additional pupils under this section shall accept pupils as follows:

SECTION 2283. 119.23 (2) (b) 1. of the statutes is created to read:

119.23 (2) (b) 1. The private school shall give first priority to pupils who are attending a private school under this section.

SECTION 2284. 119.23 (2) (b) 2. of the statutes is created to read:

119.23 (2) (b) 2. The private school shall give 2nd priority to the siblings of pupils who are attending a private school under this section.

SECTION 2285. 119.23 (2) (b) 3. of the statutes is created to read:

119.23 (2) (b) 3. The private school shall give 3rd priority to pupils selected at random under a procedure established by the department by rule.

SECTION 2285b. 119.23 (2) (c) of the statutes is created to read:

119.23 (2) (c) 1. Notwithstanding par. (a) 6., a teacher employed by a private school participating in the program under this section who teaches only courses in rabbinical studies is not required to have a bachelor's degree.

2. Notwithstanding par. (a) 6., an administrator of a private school participating in the program under this section that prepares and trains pupils attending the school in rabbinical studies is not required to have a bachelor's degree.

SECTION 2285c. 119.23 (3) (a) of the statutes is amended to read:

119.23 (3) (a) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend. Within 60 days after receiving the application, the private school shall notify the applicant, in writing, whether the application has been accepted. If the private school rejects an application, the notice shall include the reason. A private

school may reject an applicant only if it has reached its maximum general capacity or seating capacity. The state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference in accepting applications to siblings of pupils accepted on a random basis.

SECTION 2285d. 119.23 (4) (b) (intro.) of the statutes is amended to read:

119.23 (4) (b) (intro.) Upon Except as provided in par. (bg), upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, the state superintendent shall pay to the parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the lesser of the following:

SECTION 2285h. 119.23 (4) (b) 2. of the statutes is amended to read:

119.23 (4) (b) 2. The amount paid per pupil under this paragraph subsection in the previous school year multiplied by the sum of 1.0 plus the percentage change from the previous school year to the current school year in the total amount appropriated under s. 20.255 (2) (ac) expressed as a decimal, but not less than zero.

SECTION 2285p. 119.23 (4) (bg) of the statutes is created to read:

119.23 (4) (bg) In the 2009–10 and 2010–11 school years, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, the state superintendent shall pay to the parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the private school's operating and debt service cost per pupil that is related to educational programming, as determined by the department, or \$6,442, whichever is less.

SECTION 2285s. 119.23 (4) (c) of the statutes is amended to read:

119.23 (4) (c) The state superintendent shall pay 25% of the total amount under ~~par. (b)~~ this subsection in September, 25% in November, 25% in February and 25% in May. The state superintendent may include the entire amount under sub. (4m) in one of those installments or apportion the entire amount among one or more of those installments. ~~The~~ Except as provided in sub. (4r), the department shall send the check to the private school. ~~The~~ Except as provided in sub. (4r), the parent or guardian shall restrictively endorse the check for the use of the private school.

SECTION 2285x. 119.23 (4r) of the statutes is created to read:

119.23 (4r) If, after the 3rd Friday in September in any school year, a private school participating in the program under this section closes, for each installment under sub. (4) (c) that was not paid to the private school in that school year, the state superintendent shall pay to the board, from the appropriation under s. 20.255 (2) (fv), the

amount determined as follows for each pupil who had been attending the private school under this section in that school year and who enrolls in the school district operating under this chapter in that school year:

(a) 1. In the 2009–10 school year, multiply the amount determined under sub. (4) (b) or (bg) by 0.584.

2. In the 2010–11 school year and in any school year thereafter, multiply the amount determined under sub. (4) (b) or (bg) by 0.616.

(b) Multiply the product under par. (a) by 0.25.

SECTION 2286. 119.23 (6m) of the statutes is created to read:

119.23 (6m) Each private school participating in the program under this section shall do all of the following:

(a) Provide to each pupil, or the parent or guardian of each minor pupil, who applies to attend the private school all of the following:

1. The name, address, and telephone number of the private school and the name of one or more contact persons at the school.

2. A list of the names of the members of the private school's governing body and of the private school's shareholders, if any.

3. A notice stating whether the private school is an organization operated for profit or not for profit. If the private school is a nonprofit organization, the private school shall also provide the applicant with a copy of the certificate issued under section 501 (c) (3) of the Internal Revenue Code verifying that the private school is a nonprofit organization that is exempt from federal income tax.

4. A copy of the appeals process used if the private school rejects the applicant.

5. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2m.

6. A copy of the non-harassment policy used by the private school, together with the procedures for reporting and obtaining relief from harassment.

7. A copy of the suspension and expulsion policies and procedures, including procedures for appealing a suspension or expulsion, used by the private school.

8. A copy of the policy used by the private school for accepting or denying the transfer of credits earned by a pupil attending the private school under this section for the satisfactory completion of coursework at another school.

9. A copy of the policy governing visitors and visits to the private school, developed as required under sub. (7) (b) 2m.

(b) Annually, by August 1st, provide to the department the material specified in par. (a) and all of the following information:

1. The number of pupils attending the private school under this section in the previous school year.

2. The number of pupils attending the private school other than under this section in the previous school year.

3. For each of the previous 5 school years in which the private school has participated in the program under this section, all of the following information:

a. The number of pupils who attended the private school under this section and other than under this section in the 12th grade and the number of those pupils who graduated from the private school.

b. The number of pupils who attended the private school under this section and other than under this section in the 8th grade and the number of those pupils who advanced from grade 8 to grade 9.

c. The number of pupils who attended the private school under this section and other than under this section in the 4th grade and the number of those pupils who advanced from grade 4 to grade 5.

d. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil scores on all standardized tests administered under sub. (7) (e) 1.

4. A copy of the academic standards adopted under sub. (7) (b) 2.

(c) Provide to the department a signed statement from each individual who is a member of the private school's governing body verifying that the individual is a member of the governing body.

(d) Upon request by any pupil, or the parent or guardian of any minor pupil, who is attending or who applies to attend the private school, provide the material specified in pars. (a) and (b).

SECTION 2289. 119.23 (7) (b) of the statutes is created to read:

119.23 (7) (b) Each private school participating in the program under this section shall do all of the following:

1. Administer to any pupils attending the 3rd grade in the private school under this section a standardized reading test developed by the department.

2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 3.

2m. Develop a written policy governing visitors and visits to the private school.

3. Ensure that any teacher's aide employed by the private school has graduated from high school, been granted a declaration of equivalency of high school graduation, or been issued a general educational development certificate of high school equivalency.

3m. Annually, schedule two meetings at which members of the governing body of the private school will be present and at which pupils, and the parents or guardians of pupils, applying to attend the private school or attending the private school may meet and communicate with the members of the governing body. The private school shall, within 30 days after the start of the school term, notify the department in writing of the scheduled meeting dates and shall, at least 30 days before the scheduled meeting date, notify in writing each pupil, or the parent or guardian of each minor pupil, applying to attend the

private school or attending the private school of the meeting date, time, and place.

4. Maintain progress records for each pupil attending the private school under this section while the pupil attends the school and, except as provided under subd. 7., for at least 5 years after the pupil ceases to attend the school.

5. Upon request, provide a pupil or the parent or guardian of a minor pupil who is attending the private school under this section with a copy of the pupil's progress records.

6. Issue a high school diploma or certificate to each pupil who attends the private school under this section and satisfactorily completes the course of instruction and any other requirements necessary for high school graduation.

7. a. Except as provided in subd. 7. b., if the private school ceases operating as a private school, immediately transfer all of the progress records of the pupils who attended the school under this section to the board. The private school shall send written notice to each pupil, or to the parent or guardian of a minor pupil, of the transfer of progress records under this subd. 7. a.

b. If the private school is affiliated with an organization that will maintain the progress records of each pupil who attended the school under this section for at least 5 years after the private school ceases operation as a private school, the private school may transfer a pupil's records to the organization if the pupil, or the parent or guardian of a minor pupil, consents in writing to the release of the progress records to the affiliated organization. The private school shall send to the department a copy of the consent form for each pupil who consents to the transfer of progress records under this subd. 7. b. The written notice shall be signed by the pupil, or the parent or guardian of a minor pupil, and shall include the name, phone number, mailing address, and other relevant contact information of the organization that will maintain the progress records, and a declaration by the affiliated organization that the organization agrees to maintain the progress records for at least 5 years after the private school ceases operation as a private school.

8. Ensure that an accrediting agency reviews and reports to the department on the private school's compliance with subds. 4. and 6. as provided under sub. (9) (b). The accrediting agency may determine compliance by examining an appropriate sample of pupil records.

SECTION 2290. 119.23 (7) (e) 1. of the statutes is amended to read:

119.23 (7) (e) 1. Annually In the 2009-10 school year, each private school participating in the program under this section shall administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the 4th, 8th, and 10th grades. Beginning in the 2010-11 school

year and annually thereafter, each private school participating in the program under this section shall administer the examinations required under s. 118.30 (1s) to pupils attending the school under the program. The private school may administer additional standardized tests to such pupils. Beginning in 2006 and annually thereafter until 2011, the private school shall provide the scores of all standardized tests and examinations that it administers under this subdivision to the School Choice Demonstration Project.

SECTION 2290j. 119.23 (9) of the statutes is renumbered 119.23 (9) (a) and amended to read:

119.23 (9) (a) If any accrediting agency specified under sub. (2) (a) 7. a. or b. determines during the accrediting process that a private school does not meet all of the requirements under s. 118.165 (1), or if the Institute for the Transformation of Learning at Marquette University determines during the preaccreditation process that a private school does not meet all of the requirements under s. 118.165 (1), it shall report that failure to the department.

SECTION 2290k. 119.23 (9) (b) of the statutes is created to read:

119.23 (9) (b) An accrediting agency specified under sub. (2) (a) 7. a. and b. shall review and report to the department on a private school's compliance with sub. (7) (b) 4. and 6. The accrediting agency may determine compliance by examining an appropriate sample of pupil records.

SECTION 2291. 119.23 (10) (a) 2. of the statutes is amended to read:

119.23 (10) (a) 2. Failed to provide the notice or pay the fee required under sub. (2) (a) 3., or provide the information required under sub. (7) (am) or (d), by the date or within the period specified.

SECTION 2291d. 119.23 (10) (a) 3. of the statutes is amended to read:

119.23 (10) (a) 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (bg) or (4m) by the date specified by department rule.

SECTION 2292. 119.23 (10) (a) 5. of the statutes is created to read:

119.23 (10) (a) 5. Failed to provide the information required under sub. (6m).

SECTION 2293. 119.23 (10) (a) 6. of the statutes is created to read:

119.23 (10) (a) 6. Failed to comply with the requirements under sub. (7) (b) or (c).

SECTION 2294. 119.23 (10) (a) 7. of the statutes is created to read:

119.23 (10) (a) 7. Violated sub. (7) (b) 4., 5., or 6.

SECTION 2295g. 119.23 (10) (d) of the statutes is amended to read:

119.23 (10) (d) ~~The~~ Except as provided in par. (e), the state superintendent may withhold payment from a parent or guardian under subs. (4) and (4m) if the private

school attended by the child of the parent or guardian violates this section.

SECTION 2295h. 119.23 (10) (e) of the statutes is created to read:

119.23 (10) (e) 1. Notwithstanding subs. (4) and (4m), and except as provided in subd. 2., if the state superintendent issues an order under par. (a) or (b) barring the private school from participating in the program under this section in the school year in which the order is issued, the department shall pay to the parent or guardian of a pupil who attended the private school in that school year, from the appropriation under s. 20.255 (2) (fu), an amount determined as follows, which payment shall be sent to the private school to be restrictively endorsed by the parent or guardian of the pupil for the use of the private school:

a. Divide the number of instructional hours provided to the pupil in that school year before the order was issued under par. (a) or (b) by the number of instructional hours scheduled for the grade the pupil was attending in that school year.

b. Multiply the quotient under subd. 1. a. by the amount under sub. (4) (b) or (bg).

c. Subtract from the product under subd. 1. b. any amount already paid to the parent or guardian under subs. (4) and (4m) for that pupil in that school year.

2. This paragraph does not apply to a private school barred from participating in the program under this section under par. (a) or (b) as a result of committing an act of fraud.

3. A private school who receives a payment under this paragraph shall use the payment received in the following order:

a. If the private school owes money to the state, the private school shall reimburse the state.

b. The private school shall use any portion of the payment remaining after satisfying the requirement under subd. 3. a. to pay the salaries of teachers employed by the school.

SECTION 2295m. 119.46 (1) of the statutes is amended to read:

119.46 (1) As part of the budget transmitted annually to the common council under s. 119.16 (8) (b), the board shall report the amount of money required for the ensuing school year to operate all public schools in the city under this chapter, to repair and keep in order school buildings and equipment, to make material improvements to school property and to purchase necessary additions to school sites. The amount included in the report for the purpose of supporting the Milwaukee Parental Choice Program under s. 119.23 shall be reduced by the amount of aid received by the board under s. 121.136 and by the amount specified in the notice received by the board under s. 121.137 (2). The common council shall levy and collect a tax upon all the property subject to taxation in the city, which shall be equal to the amount of money required by

the board for the purposes set forth in this subsection, at the same time and in the same manner as other taxes are levied and collected. Such taxes shall be in addition to all other taxes which the city is authorized to levy. The taxes so levied and collected, any other funds provided by law and placed at the disposal of the city for the same purposes, and the moneys deposited in the school operations fund under s. 119.60 (1), shall constitute the school operations fund.

SECTION 2296b. 119.82 (1m) (c) of the statutes is amended to read:

119.82 (1m) (c) Has been or is being sanctioned under s. 49.26 (1) (h) ~~or is subject to the monthly attendance requirement under s. DWD 11.195 (4) (b) 2., Wis. Adm. Code.~~

SECTION 2297. 120.12 (24) of the statutes is amended to read:

120.12 (24) HEALTH CARE BENEFITS. Prior to the selection of any group health care benefits provider for school district professional employees, as defined in s. 111.70 (1) (ne), solicit sealed bids for the provision of such benefits.

SECTION 2297m. 120.12 (26) (title) of the statutes is repealed.

SECTION 2297n. 120.12 (26) of the statutes is renumbered 118.07 (4) (a) 1. and amended to read:

118.07 (4) (a) 1. Have Each school board and the governing body of each private school shall have in effect a school safety plan for each public or private school in the school district within 3 years of the effective date of this paragraph [LRB inserts date].

SECTION 2297q. 120.13 (2) (g) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

120.13 (2) (g) Every self-insured plan under par. (b) 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 2297t. 121.004 (5) of the statutes is amended to read:

121.004 (5) MEMBERSHIP. "Membership" for any school district is the sum of pupils enrolled as reported under s. 121.05 (1) or (2), as appropriate, and the summer average daily membership equivalent for classes approved under s. 121.14.

SECTION 2298g. 121.02 (1) (a) 2. of the statutes is amended to read:

121.02 (1) (a) 2. Subject to s. 118.40 (8) (b) 2., ensure that all instructional staff of charter schools located in the school district hold a license or permit to teach issued by the department. For purposes of this subdivision, a virtual charter school is located in the school district specified in s. 118.40 (8) (a) and a charter school established under s. 118.40 (3) (c) 1. c. is located in the school district specified in s. 118.40 (3) (c) 1. c. The state superinten-

dent shall promulgate rules defining "instructional staff" for purposes of this subdivision.

SECTION 2298i. 121.02 (1) (r) of the statutes is amended to read:

121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer a standardized reading test developed by the department to all pupils enrolled in the school district in grade 3, including pupils enrolled in charter schools located in the school district, except that if a charter school is established under s. 118.40 (3) (c) 1. c., the school board specified in s. 118.40 (3) (c) 1. c. shall administer the test to pupils enrolled in the charter school regardless of the location of the charter school.

SECTION 2298k. 121.05 (2) of the statutes is created to read:

121.05 (2) Notwithstanding sub. (1), the school district clerk of the school district operating under ch. 119 shall include, as part of the annual report under s. 119.44 (2), the number of pupils enrolled on the 3rd Friday of September, the 2nd Friday of January, or the first Friday of May, whichever is highest, including the pupils specified in sub. (1) (a), and the information described in sub. (1) (b) to (d).

SECTION 2298m. 121.05 (3) of the statutes is amended to read:

121.05 (3) If a school district is unable to hold school on either any of the 2 dates specified in sub. (1) (a) or (2), the state superintendent shall designate alternative membership counting dates.

SECTION 2298s. 121.05 (4) of the statutes is amended to read:

121.05 (4) The school board of a school district in which a foster or group home that is not exempt under s. 70.11 is located may submit a report to the state superintendent. If the school board submits a report, it shall submit it by June 30. The report shall indicate, on a full-time equivalent basis, the number of pupils residing in such foster or group homes who were provided educational services by the school district during the current school year but were not included in the September ~~or~~ January, or May membership count under sub. (1) (a) or (2). The state superintendent shall adjust the school district's membership based on the report. The state superintendent shall make proportional adjustments to the memberships of the school districts in which the pupil was previously enrolled during that school year. The state superintendent shall obtain from such school districts the information necessary to make such adjustments. The state superintendent shall promulgate rules to implement and administer this subsection.

SECTION 2299g. 121.07 (6) (e) 1. of the statutes is amended to read:

121.07 (6) (e) 1. For a school district created by a consolidation under s. 117.08 or 117.09, in the school year in which the consolidation takes effect and in each of the subsequent 4 school years, the amounts under pars. (b)

and (d) shall be multiplied by ~~1.1~~ 1.15 and rounded to the next lowest dollar.

SECTION 2299r. 121.07 (7) (e) 1. of the statutes is amended to read:

121.07 (7) (e) 1. For a school district created by a consolidation under s. 117.08 or 117.09, in the school year in which the consolidation takes effect and in each of the subsequent 4 school years, the amounts under pars. (a) to (bm) shall be multiplied by ~~1.1~~ 1.15 and rounded to the next lower dollar.

SECTION 2300m. 121.08 (4) (a) 1. of the statutes is amended to read:

121.08 (4) (a) 1. Add In the 2009-10 and 2010-11 school year, add the amounts paid under s. 118.40 (2r) in the current school year, and in the 2011-12 school year and each school year thereafter, add the amounts paid under s. 118.40 (2r) in the 2010-11 school year.

SECTION 2301g. 121.08 (4) (b) of the statutes is renumbered 121.08 (4) (b) (intro.) and amended to read:

121.08 (4) (b) (intro.) The amount of state aid that the school district operating under ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by ~~45%~~ of the amount calculated as follows:

1. Multiply the amounts paid under s. 119.23 (4) and (4m) in the current 2009-10 school year by 41.6 percent, and multiply the amounts paid under s. 119.23 (4) and (4m) in the 2010-11 school year and in each school year thereafter by 38.4 percent.

SECTION 2301j. 121.08 (4) (b) 2. and 3. of the statutes are created to read:

121.08 (4) (b) 2. Multiply the amounts paid under s. 119.23 (4) and (4m) in the 2009-10 school year by 3.4 percent, and multiply the amounts paid under s. 119.23 (4) and (4m) in the 2010-11 school year and in each school year thereafter by 6.6 percent.

3. Add the amounts determined under subds. 1. and 2.

SECTION 2301p. 121.136 (1) of the statutes is repealed and recreated to read:

121.136 (1) In this section, "membership" means the membership used by the department to calculate state aid to the school district under s. 121.08 in the first school year of a fiscal biennium.

SECTION 2301q. 121.136 (2) (b) (intro.) of the statutes is amended to read:

121.136 (2) (b) (intro.) ~~Except as provided in par. (c),~~ The amount paid to each eligible school district in the 2009-10 school year and annually thereafter shall be determined as follows:

SECTION 2301r. 121.136 (2) (b) 1. of the statutes is amended to read:

121.136 (2) (b) 1. Divide the amount appropriated under s. 20.255 (2) (bb) by the total ~~number of pupils enrolled~~ membership in all eligible school districts.

SECTION 2301s. 121.136 (2) (b) 2. of the statutes is repealed.

SECTION 2301t. 121.136 (2) (b) 3. of the statutes is repealed.

SECTION 2301u. 121.136 (2) (b) 4. of the statutes is amended to read:

121.136 (2) (b) 4. Multiply the ~~amount determined result~~ result under subd. ~~3.~~ 1. by the school district's ~~enrollment on the 3rd Friday of September in the current school year~~ membership.

SECTION 2301v. 121.136 (2) (c) of the statutes is repealed.

SECTION 2301x. 121.137 of the statutes is created to read:

121.137 First class city school levy aid. (1) In this section:

- (a) "Board" has the meaning given in s. 119.02 (1).
- (b) "City" has the meaning given in s. 119.02 (2).

(2) Annually, the department shall calculate the amount of the state aid reduction under s. 121.08 (4) (b) 2. in the current school year and shall notify the board, in writing, of the result.

(3) From the appropriation under s. 20.255 (2) (ac), annually the department shall pay the amount calculated under sub. (2) to the city in installments according to the schedule used by the board for the distribution of state aid under s. 121.15 (1) or (1g). The city shall pay an amount equal to the amount received under this subsection to the board.

SECTION 2302p. 121.55 (3) of the statutes is renumbered 121.55 (3) (a) and amended to read:

121.55 (3) (a) If the estimated cost of transporting a pupil under s. 121.54 (2) (b) 1. is more than 1.5 times the school district's average cost per pupil for bus transportation in the previous year, exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, the school board may fulfill its obligation to transport a pupil under s. 121.54 (2) (b) 1. by offering to contract with the parent or guardian of the pupil. ~~The~~ Except as provided in pars. (b) and (c), the contract shall provide for an annual payment for each pupil of not less than \$5 times the distance in miles between the pupil's residence and the private school he or she attends, or the school district's average cost per pupil for bus transportation in the previous year exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, whichever is greater, ~~but the~~

(c) The payment under this subsection shall not exceed the actual cost nor may the aids paid under s. 121.58 (2) (a) for the pupil exceed the cost thereof. A school board which intends to offer a contract under this subsection par. (a) shall notify the parent or guardian of the private school pupil of its intention at least 30 days

before the commencement of the school term of the public school district.

SECTION 2302t. 121.55 (3) (b) of the statutes is created to read:

121.55 (3) (b) Except as provided in par. (c), if 2 or more pupils reside in the same household and attend the same private school, the contract under par. (a) may, at the discretion of the school board of the school district operating under ch. 119, provide for a total annual payment for all such pupils of not less than \$5 times the distance in miles between the pupils' residence and the private school they attend, or the school district's average cost per pupil for bus transportation in the previous year exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, whichever is greater.

SECTION 2303. 121.555 (2) (a) of the statutes is amended to read:

121.555 (2) (a) *Insurance.* If the vehicle is owned or leased by a school or a school bus contractor, or is a vehicle authorized under sub. (1) (b), it shall comply with s. 121.53. If the vehicle is transporting 9 or less persons in addition to the operator and is not owned or leased by a school or by a school bus contractor, it shall be insured by a policy providing property damage coverage with a limit of not less than \$10,000 and bodily injury liability coverage with limits of not less than \$25,000 for each person, and, subject to the limit for each person, a total limit of not less than \$50,000 for each accident, as of the policy's effective date, equal to or greater than the minimum liability limits, as defined in s. 344.01 (2) (am).

SECTION 2306. 121.79 (1) (d) (intro.) of the statutes is amended to read:

121.79 (1) (d) (intro.) For pupils in foster homes, ~~treatment foster homes,~~ or group homes, if the foster home, ~~treatment foster home,~~ or group home is located outside the school district in which the pupil's parent or guardian resides and either of the following applies:

SECTION 2307. 121.79 (1) (d) 2. of the statutes is amended to read:

121.79 (1) (d) 2. The foster, ~~treatment foster~~ or group home is exempted under s. 70.11.

SECTION 2308. 121.79 (1) (d) 3. of the statutes is amended to read:

121.79 (1) (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5), and at least 4% of the pupils enrolled in the school district reside in foster homes, ~~treatment foster homes,~~ or group homes that are not exempt under s. 70.11. Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

SECTION 2308m. 121.83 (1) (a) 2. of the statutes is amended to read:

121.83 (1) (a) 2. If the agency of service counts the pupil under s. 121.05 (1) (a) or (2), state general aid shall be subtracted.

SECTION 2309. 121.90 (2) (intro.) of the statutes is renumbered 121.90 (2) (am) (intro.) and amended to read:

121.90 (2) (am) (intro.) "State aid" means ~~aid~~ all of the following:

1. Aid under ss. 118.51 (16) (e), 121.08, 121.09, 121.105, and 121.136 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4), ~~and amounts.~~

2. Amounts under s. 79.095 (4) for the current school year, ~~except that "state aid" excludes all of the following:~~

SECTION 2310. 121.90 (2) (a) to (c) of the statutes are renumbered 121.90 (2) (bm) 1. to 3.

SECTION 2311. 121.90 (2) (am) 3. of the statutes is created to read:

121.90 (2) (am) 3. All federal moneys received from allocations from the state fiscal stabilization fund that are distributed to school districts as general equalization aid.

SECTION 2311d. 121.90 (2) (am) 4. of the statutes is created to read:

121.90 (2) (am) 4. For the school district operating under ch. 119, the amount received under s. 121.137 (3), as specified in the notice received under s. 121.137 (2).

SECTION 2312. 121.90 (2) (bm) (intro.) of the statutes is created to read:

121.90 (2) (bm) (intro.) "State aid" excludes all of the following:

SECTION 2312d. 121.905 (1) of the statutes is amended to read:

121.905 (1) In this section, "revenue ceiling" means ~~\$8,700 in the 2007-08 school year and \$9,000 in the 2009-10 school year and in the 2010-11 school year and \$9,800 in any subsequent school year.~~

SECTION 2313b. 121.905 (3) (c) 3g. and 3r. of the statutes are created to read:

121.905 (3) (c) 3g. For the limit for the 2009-10 or 2010-11 school year, add \$200 to the result under par. (b).

3r. For the limit for the 2011-12 school year, add \$275 to the result under par. (b).

SECTION 2313c. 121.905 (3) (c) 4. of the statutes is amended to read:

121.905 (3) (c) 4. For the limit for the ~~1998-99~~ 2012-13 school year or for any school year thereafter, add the result under s. 121.91 (2m) ~~(d)~~ (h) 2. to the result under par. (b).

SECTION 2313d. 121.91 (2m) (e) (intro.) of the statutes is amended to read:

121.91 (2m) (e) (intro.) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the ~~1999-2000 school year or for any 2008-09~~

school year thereafter to an amount that exceeds the amount calculated as follows:

SECTION 2313h. 121.91 (2m) (f) of the statutes is created to read:

121.91 (2m) (f) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2009–10 school year or for the 2010–11 school year to an amount that exceeds the amount calculated as follows:

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

2. Add \$200 to the result under subd. 1.

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

SECTION 2313p. 121.91 (2m) (g) of the statutes is created to read:

121.91 (2m) (g) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2011–12 school year to an amount that exceeds the amount calculated as follows:

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

2. Add \$275 to the result under subd. 1.

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

SECTION 2313t. 121.91 (2m) (h) of the statutes is created to read:

121.91 (2m) (h) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2012–13 school year or for any school year thereafter to an amount that exceeds the amount calculated as follows:

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

2. Multiply the amount of the revenue increase per pupil allowed under this subsection for the previous school year by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

3. Add the result under subd. 1. to the result under subd. 2.

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

SECTION 2315b. 121.91 (2m) (r) 1. (intro.) of the statutes is amended to read:

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

SECTION 2315d. 121.91 (2m) (r) 1. b. of the statutes is amended to read:

121.91 (2m) (r) 1. b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a., except that in calculating the limit for the 2009–10 or 2010–11 school year, add \$200 to the result under subd. 1. a., and in calculating the limit for the 2011–12 school year, add \$275 to the result under subd. 1. a.

SECTION 2315e. 121.91 (2m) (r) 2. (intro.) of the statutes is amended to read:

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

SECTION 2315h. 121.91 (2m) (s) 1. (intro.) of the statutes is amended to read:

121.91 (2m) (s) 1. (intro.) Notwithstanding ~~par. (e) pars. (e) to (h)~~, if territory is detached from a school district to create a new school district under s. 117.105, the revenue limit under this section of the school district from which territory is detached for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided in subs. (3) and (4):

SECTION 2315j. 121.91 (2m) (s) 1. b. of the statutes is amended to read:

121.91 (2m) (s) 1. b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a., except that in calculating the limit for the 2009–10 or 2010–11 school year, add \$200 to the result under subd. 1. a., and in calculating the limit for the 2011–12 school year, add \$275 to the result under subd. 1. a.

SECTION 2315L. 121.91 (2m) (s) 2. (intro.) of the statutes is amended to read:

121.91 (2m) (s) 2. (intro.) If territory is detached from a school district to create a new school district under

s. 117.105, the following adjustments to the calculations under ~~par. (e)~~ pars. (e) to (h) apply to the school district from which territory is detached for the 2 school years beginning on the July 1 following the effective date of the reorganization:

SECTION 2315m. 121.91 (2m) (t) of the statutes is created to read:

121.91 (2m) (t) 1. If 2 or more school districts are consolidated under s. 117.08 or 117.09, the consolidated school district's revenue limit shall be determined as provided under par. (e) except as follows:

a. For the school year beginning with the effective date of the consolidation, the state aid received in the previous school year by the consolidated school district is the sum of the state aid amounts received in the previous school year by all of the affected school districts.

b. For the school year beginning with the effective date of the consolidation, the property taxes levied for the previous school year for the consolidated school district is the sum of the property taxes levied for the previous school year by all of the affected school districts.

c. For the school year beginning with the effective date of the consolidation and the 2 succeeding school years, the number of pupils enrolled in the consolidated school district in any school year previous to the effective date of the consolidation is the sum of the number of pupils enrolled in all of the affected school districts in that school year.

2. If 2 or more school districts are consolidated under s. 117.08 or 117.09, and an excess revenue has been approved under sub. (3) for one or more of the affected school districts for school years beginning on or after the effective date of the consolidation, the approval for those school years expires on the effective date of the consolidation.

SECTION 2315o. 121.91 (4) (f) 1. of the statutes is amended to read:

121.91 (4) (f) 1. Except as provided in subd. 1m., for the 2007-08 school year or any school year thereafter, if the average of the number of pupils enrolled in the current and the 2 preceding school years is less than the average of the number of pupils enrolled in the 3 previous school years, the limit otherwise applicable under sub. (2m) ~~(e)~~ is increased by the additional amount that would have been calculated had there been no decline in average enrollment.

SECTION 2315r. 121.91 (4) (f) 1m. b. of the statutes is amended to read:

121.91 (4) (f) 1m. b. For the school year beginning on the first July 1 following the effective date of the school district reorganization, if the number of pupils enrolled in that school year is less than the number of pupils enrolled in the previous school year, the limit otherwise applicable under sub. (2m) ~~(e)~~ is increased by the additional amount that would have been calculated had there been no decline in enrollment.

SECTION 2315v. 121.91 (4) (f) 1m. c. of the statutes is amended to read:

121.91 (4) (f) 1m. c. For the school year beginning on the 2nd July 1 following the effective date of the school district reorganization, if the average of the number of pupils enrolled in that school year and the previous school year is less than the average of the number of pupils enrolled in the 2 previous school years, the limit otherwise applicable under sub. (2m) ~~(e)~~ is increased by the additional amount that would have been calculated had there been no decline in average enrollment.

SECTION 2315y. 121.91 (4) (f) 2. of the statutes is amended to read:

121.91 (4) (f) 2. Any additional revenue received by a school district as a result of subds. 1. and 1m. shall not be included in the base for determining the school district's limit under sub. (2m) ~~(e)~~ for the following school year.

SECTION 2315z. 121.91 (4) (L) of the statutes is created to read:

121.91 (4) (L) 1. In this paragraph, "local law enforcement agency" means a governmental unit of one or more persons employed full time by a city, town, village, or county in this state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

2. The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by an amount equal to \$100 times the number of pupils enrolled in the school district or \$40,000, whichever is greater, if the school board adopts a resolution to do so, the school board and a local law enforcement agency jointly develop a school safety plan that specifies the purposes of the additional revenue, the school safety plan is consistent with the school safety plan required under s. 118.07 (4), and the school board submits the school safety plan to the department.

3. A school district may use the excess revenue under this paragraph to purchase school safety equipment, fund the compensation costs of security officers, or for school safety expenditures consistent with the school safety plan required under s. 118.07 (4). Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2316. 121.91 (4) (m) of the statutes is created to read:

121.91 (4) (m) 1. If a school board adopts a resolution to do so, the limit otherwise applicable to the school district under sub. (2m) in any school year is increased by the amount spent by the school district in the 2nd previous school year to pay the salary and fringe benefit costs of school nurses employed by the school board and school

nurses providing nursing services in the school district under a contract with the school board.

2. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2317. 121.91 (4) (n) of the statutes is created to read:

121.91 (4) (n) 1. If the school board adopts a resolution to do so, the limit otherwise applicable to the school district under sub. (2m) in any school year is increased by the portion, specified in subd. 2., of the amount determined as follows, if a positive number:

a. Determine the average amount spent by the school district on transportation per pupil in the 2nd previous school year.

b. Determine the statewide average amount spent on transportation per pupil in the 2nd previous school year.

c. Subtract the result in subd. 1. b. from the result in subd. 1. a. and multiply the difference by the school district membership in the 2nd previous school year.

2. b. In the 2011-12 school year, 50 percent of the amount determined in subd. 1. c.

c. In the 2012-13 school year or any subsequent year, 100 percent of the amount determined in subd. 1. c.

3. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2317m. 121.91 (4) (o) of the statutes is created to read:

121.91 (4) (o) 1. If a school board adopts a resolution to do so, the limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount spent by the school district in that school year on energy efficiency measures, and renewable energy products, that result in the avoidance of, or reduction in, energy costs. The department shall promulgate rules to implement this subdivision, including eligibility standards for school districts.

2. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2318. 121.91 (7) of the statutes is amended to read:

121.91 (7) Except as provided in sub. (4) (f) 2. and (L) to (o) and (8), if an excess revenue is approved under sub. (3) for a recurring purpose or allowed under sub. (4), the excess revenue shall be included in the base for determining the limit for the next school year for purposes of this section. If an excess revenue is approved under sub. (3) for a nonrecurring purpose, the excess revenue shall not be included in the base for determining the limit for the next school year for purposes of this section.

SECTION 2318b. 121.91 (8) of the statutes is amended to read:

121.91 (8) If a school district's initial revenue limit for the current school year, as calculated under s. 121.905 or sub. (2m) ~~(e)~~, whichever is appropriate, before making any adjustments under sub. (3) or (4), is less than the amount determined by multiplying the amount under sub. (2m) ~~(e)~~ (g) 1. or (h) 1. by the average of the number of pupils enrolled in the 3 preceding school years, the school district's initial revenue limit for the current school year, before making any adjustments under sub. (3) or (4), is the amount determined by multiplying the amount under sub. (2m) ~~(e)~~ (g) 1. or (h) 1. by the average of the number of pupils enrolled in the 3 preceding school years. Any additional revenue received by a school district as a result of this subsection shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2318e. 125.26 (2w) of the statutes is created to read:

125.26 (2w) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class "B" license issued under this section to a caterer also authorizes the caterer to provide fermented malt beverages, including their retail sale, at the Heritage Hill state park during special events held at this park. Notwithstanding sub. (1), a caterer may provide fermented malt beverages under this subsection at any location at the Heritage Hill state park even though the Heritage Hill state park is not part of the caterer's licensed premises, as described under sub. (3) in the caterer's Class "B" license, and even if the Heritage Hill state park is not located within the municipality that issued the caterer's Class "B" license. A caterer that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the caterer's Class "B" licensed premises. This subsection does not authorize the Heritage Hill state park to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply if, at any time, the Heritage Hill state park holds a Class "B" license."

SECTION 2318em. 125.27 (3) of the statutes is created to read:

125.27 (3) PERMITS FOR CERTAIN TRIBES. (a) In this subsection, "tribe" means a federally recognized American Indian tribe in this state having a reservation created pursuant to treaty with the United States encompassing not less than 60,000 acres nor more than 70,000 acres or any business entity that is wholly owned and operated by such a tribe.

(b) Upon application, the department shall issue a Class "B" permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is qualified under s.

125.04 (5) and (6). The permit authorizes the retail sale of fermented malt beverages for consumption on or off the premises where sold.

(c) A tribe holding a permit under par. (a) may sell beverages containing less than 0.5% of alcohol by volume without obtaining a license under s. 66.0433 (1).

(d) Except as provided in this subsection, all sections of this chapter applying to Class "B" licenses apply to Class "B" permits issued under this subsection.

SECTION 2318f. 125.51 (3) (bw) of the statutes is created to read:

125.51 (3) (bw) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a "Class B" license issued under sub. (1) to a caterer also authorizes the caterer to provide intoxicating liquor, including its retail sale, at the Heritage Hill state park during special events held at this park. Notwithstanding pars. (a) and (b) and sub. (1) (a), a caterer may provide intoxicating liquor under this paragraph at any location at the Heritage Hill state park even though the Heritage Hill state park is not part of the caterer's licensed premises, as described under par. (d) in the caterer's "Class B" license, and even if the Heritage Hill state park is not located within the municipality that issued the caterer's "Class B" license. A caterer that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the caterer's "Class B" licensed premises. This paragraph does not authorize the Heritage Hill state park to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply if, at any time, the Heritage Hill state park holds a "Class B" license.

SECTION 2318fm. 125.51 (3) (e) 2. of the statutes is amended to read:

125.51 (3) (e) 2. Each municipal governing body shall establish the fee, in an amount not less than \$10,000, for an initial issuance of a reserve "Class B" license, as defined in sub. (4) (a) 4., and, if the municipality contains a capital improvement area enumerated under sub. (4) (x) 2. a., for an initial issuance of a "Class B" license under sub. (4) (x) 3. and 4., except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in the state for at least 6 years is the fee established under subd. 1. for such a club or lodge. The fee under this subdivision is in addition to any other fee required under this chapter. The annual fee for renewal of a reserve "Class B" license, as defined in sub. (4) (a) 1., and a "Class B" license issued under sub. (4) (x) 3. or 4. is the fee established under subd. 1.

SECTION 2318g. 125.51 (4) (w) of the statutes is renumbered 125.51 (4) (w) 1. and amended to read:

125.51 (4) (w) 1. Notwithstanding pars. (am) to (d) and s. 125.185 (5), the village board of any village in the northern geographical half of Ozaukee County having a population of more than 4,000 may issue, to any appli-

cant designated by the village board, one "Class B" license in addition to the number of licenses determined for the village's quota under pars. (b) to (d). No "Class B" license may be issued under this paragraph subdivision after August 1, 2008. If a "Class B" license issued under this paragraph subdivision is surrendered to the issuing village, not renewed, or revoked, the village may not reissue the license, but a "Class B" license issued under this paragraph subdivision may be transferred in the same manner as other licenses as provided under s. 125.04 (12) (b) 4.

SECTION 2318h. 125.51 (4) (w) 2. of the statutes is created to read:

125.51 (4) (w) 2. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a city that is immediately adjacent to the southern border of the city of Milwaukee and that has an eastern boundary of Lake Michigan may issue 3 "Class B" licenses in addition to the number of licenses determined for the city's quota under pars. (b) to (d).

SECTION 2318i. 125.51 (4) (w) 3. of the statutes is created to read:

125.51 (4) (w) 3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a 4th class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 8,000 but not more than 9,000 may issue one "Class B" license in addition to the number of licenses determined for the city's quota under pars. (b) to (d).

SECTION 2318im. 125.51 (4) (w) 4. of the statutes is created to read:

125.51 (4) (w) 4. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a 3rd class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 15,000 but not more than 16,000 may issue 2 "Class B" licenses in addition to the number of licenses determined for the city's quota under pars. (b) to (d).

SECTION 2318ip. 125.51 (4) (x) of the statutes is created to read:

125.51 (4) (x) 1. In this paragraph:

a. "Area base value" means the aggregate assessed value of all taxable property located within the geographic bounds of a capital improvement area on January 1 of the year that is 5 years prior to the year in which such capital improvement area is enumerated under subd. 2.

b. "Capital improvement area" means a geographic area that is enumerated under subd. 2. as having an improvement increment exceeding \$50,000,000 in the year in which the area is enumerated and as being located within a municipality with insufficient reserve "Class B" licenses to issue a "Class B" license for each business or proposed business that would reasonably require one.

c. "Good faith," with respect to an applicant's attempt to purchase a "Class B" licensed business, includes an applicant making an offer to purchase the business for an amount exceeding \$25,000 in total value,

without additional significant conditions placed on the purchase by either party, after having given notice to all current "Class B" license holders within the municipality where the business is located, by U.S. mail addressed to either the licensee's last-known address or to the licensed premises, of the applicant's interest in purchasing a licensed business, except that an offer in an amount of \$25,000 or less may also be considered to be in a good faith for purposes of this subd. 1. c. depending on the fair market value of the business, the availability of other licensed businesses for purchase, and any conditions attached to the sale.

d. "Improvement increment" means the aggregate assessed value of all taxable property in a capital improvement area as of January 1 of any year minus the area base value.

e. "Qualified applicant" means an applicant that complies with all requirements under s. 125.04 (5) and (6) and any applicable ordinance, that certifies by affidavit that the applicant has made a good faith attempt to purchase the business of a person holding a "Class B" license within the municipality and have that license transferred to the applicant under s. 125.04 (12) (b) 4., and for whom the issuing municipality has determined that these requirements have been met.

2. The legislature hereby enumerates the following areas, with the geographic boundaries described in this subdivision, as capital improvement areas:

a. The geographic area composed of all land within the Tax Incremental District Number 3 within the city of Oconomowoc in Waukesha County that lies south of Valley Road and east of STH 67 or that lies south of I 94 and west of STH 67.

3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), upon application by a qualified applicant, the governing body of any municipality containing a capital improvement area enumerated under subd. 2. a. shall issue to the qualified applicant one "Class B" license in addition to the number of licenses determined for the municipality's quota under pars. (b) to (d) and in addition to any license under par. (v).

4. Notwithstanding pars. (am) to (d) and s. 125.185 (5), after a qualified applicant has filed an application under subd. 3. and upon application by an initial qualified applicant under this subdivision, the governing body of any municipality containing a capital improvement area enumerated under subd. 2. a. shall determine the improvement increment within the capital improvement area for the calendar year in which the application under this subdivision is filed. If the improvement increment is at least \$10,000,000 above \$50,000,000, the governing body of the municipality shall issue to the initial qualified applicant a "Class B" license. For each \$10,000,000 of improvement increment above \$50,000,000, the governing body of the municipality is authorized to issue under this subdivision one "Class B" license and, upon each

application by a qualified applicant subsequent to that of the initial qualified applicant, the governing body of the municipality shall issue a "Class B" license to the qualified applicant until all licenses authorized under this subdivision have been issued. If the governing body of any municipality receives an application by a qualified applicant in a calendar year subsequent to the calendar year in which it received the application of the initial qualified applicant, the governing body of the municipality shall redetermine the improvement increment for that year for the purpose of determining the number of "Class B" licenses authorized under this subdivision. The "Class B" licenses that a municipality is authorized to issue under this subdivision are in addition to the number of licenses determined for the municipality's quota under pars. (b) to (d), any license under par. (v), and the license under subd. 3.

5. Notwithstanding subs. 3. and 4., not more than 8 "Class B" licenses may be issued under this paragraph for premises within the same capital improvement area.

6. Notwithstanding subd. 7., any "Class B" license issued under this paragraph may be transferred as provided under s. 125.04 (12) (b) 4. Notwithstanding subs. 5. and 7., if a "Class B" license issued under this paragraph is surrendered to the issuing municipality, revoked, or not renewed, the municipality may reissue the license to a qualified applicant for a premises located within the same capital improvement area for which the license was originally issued.

7. No "Class B" license may be issued under this paragraph after July 1, 2017.

SECTION 2318it. 125.51 (5) (d) of the statutes is created to read:

125.51 (5) (d) PERMITS FOR CERTAIN TRIBES. 1. In this paragraph, "tribe" has the meaning given in s. 125.27 (3) (a).

2. Upon application, the department shall issue a "Class B" permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container. The permit also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, to be consumed off the premises where sold, except that wine is not subject to the 4-liter limitation.

3. Except as provided in this paragraph, all sections of this chapter applying to "Class B" licenses apply to "Class B" permits issued under this paragraph.

SECTION 2318j. 125.52 (1) of the statutes is amended to read:

125.52 (1) AUTHORIZED ACTIVITIES. (a) The department shall issue manufacturers' and rectifiers' permits which authorize the manufacture or rectification, respectively, of intoxicating liquor on the premises covered by

the permit. A person holding a manufacturer's or rectifier's permit may manufacture and bottle wine, pursuant to the terms of the permit, without procuring a winery permit.

(b) 1. A manufacturer's or rectifier's permit entitles the permittee to sell intoxicating liquor to wholesalers holding a permit under s. 125.54, to wineries holding a permit under s. 125.53, and to other manufacturers and rectifiers holding a permit under this section, from the premises described in the permit. No Except as provided in subd. 2., no sales may be made for consumption on the premises of the permittee.

(c) Possession of a permit under this section does not authorize the permittee to sell tax-free intoxicating liquor and wines brought into this state under s. 139.03 (5).

SECTION 2318k. 125.52 (1) (b) 2. of the statutes is created to read:

125.52 (1) (b) 2. Notwithstanding s. 125.09 (1), a manufacturer's or rectifier's permit authorizes the retail sale of intoxicating liquor that is manufactured or rectified on the premises, for consumption on or off the premises. A manufacturer's or rectifier's permit also authorizes the provision of taste samples, free of charge and in an amount not exceeding a total of 1.5 fluid ounces to any one person, of intoxicating liquor that is manufactured or rectified on the premises, for consumption on the premises. The department may prescribe additional regulations for the sale of intoxicating liquor under this subdivision, if the additional regulations do not conflict with the requirements applicable to holders of "Class B" licenses. Notwithstanding any other provision of this chapter, the authorization under this subdivision applies with respect to a person who holds any permit under this section, a winery permit under s. 125.53, and either a "Class A" license or a "Class B" license issued under s. 125.51 (3) (am), all issued for the same premises or portions of the same premises.

SECTION 2318L. 125.68 (2) of the statutes is amended to read:

125.68 (2) OPERATORS' LICENSES; "CLASS A"; "CLASS B"; OR, "CLASS C"; AND OTHER PREMISES. Except as provided under s. 125.07 (3) (a) 10., no premises operated under a "Class A" or "Class C" license or under a "Class B" license or permit may be open for business, and no person who holds a manufacturer's or rectifier's permit may allow the sale or provision of taste samples of intoxicating liquor on the manufacturing or rectifying premises as provided in s. 125.52 (1) (b) 2., unless there is upon the premises either the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. An operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues it. For the purpose of this

subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class C" license or under a "Class B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee or agent or a person holding an operator's license, who is on the premises at the time of the service.

SECTION 2318p. 125.69 (1) (a) of the statutes is amended to read:

125.69 (1) (a) No intoxicating liquor manufacturer, rectifier, winery, out-of-state shipper permittee, or wholesaler may hold any direct or indirect interest in any "Class A" license or establishment and no "Class A" licensee may hold any direct or indirect interest in a wholesale permit or establishment, except that a winery that has a permit under s. 125.53 may have an ownership interest in a "Class A" license and a person may hold a "Class A" license and both a winery permit under s. 125.53 and a manufacturer's or rectifier's permit under s. 125.52 and may make retail sales and provide taste samples as authorized under the "Class A" license and ss. 125.06 (13) and 125.52 (1) (b) 2.

SECTION 2318t. 125.69 (1) (b) 4. of the statutes is amended to read:

125.69 (1) (b) 4. A winery that has a permit under s. 125.53 may have an ownership interest in a "Class B" license issued under s. 125.51 (3) (am) and a person may hold a "Class B" license and both a winery permit under s. 125.53 and a manufacturer's or rectifier's permit under s. 125.52 and may make retail sales and provide taste samples as authorized under the "Class B" license and s. 125.52 (1) (b) 2.

SECTION 2318x. 125.69 (1) (c) of the statutes is amended to read:

125.69 (1) (c) No manufacturer, rectifier, winery, or out-of-state shipper permittee, whether located within or without this state, may hold any direct or indirect interest in any wholesale permit or establishment. Except as provided in pars. (a) and (b) 4. and s. 125.53, no retail licensee may hold any direct or indirect interest in any manufacturer, rectifier, winery, or out-of-state shipper permittee.

SECTION 2332. 139.31 (1) (a) of the statutes is amended to read:

139.31 (1) (a) On cigarettes weighing not more than 3 pounds per thousand, ~~88.5~~ 126 mills on each cigarette.

SECTION 2333. 139.31 (1) (b) of the statutes is amended to read:

139.31 (1) (b) On cigarettes weighing more than 3 pounds per thousand, ~~177~~ 252 mills on each cigarette.

SECTION 2338. 139.323 (3) of the statutes is amended to read:

139.323 (3) The land on which the sale occurred was designated a reservation or trust land on or before January 1, 1983, or on a later date as determined by an agreement between the department and the tribal council.

SECTION 2392. 139.76 (1) of the statutes is amended to read:

139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of tobacco products by any person engaged as a distributor of them at the rate, for tobacco products, not including moist snuff, of 50 71 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products and, for moist snuff, at the rate of \$1.31 per ounce, and at a proportionate rate for any other quantity or fractional part thereof, of the moist snuff's net weight, as listed by the manufacturer 100 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. The tax imposed under this subsection on cigars shall not exceed an amount equal to 50 cents for each cigar. On products imported from another country, not including moist snuff, the rate of tax is 50 71 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties and transportation costs to the United States. On moist snuff imported from another country, the rate of the tax is 100 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties, and transportation costs to the United States. The tax attaches at the time the tobacco products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the tobacco products. All tobacco products received in this state for sale or distribution within this state, except tobacco products actually sold as provided in sub. (2), shall be subject to such tax. ~~The weight-based tax imposed under this subsection on moist snuff does apply to moist snuff that is the inventory of a distributor on January 1, 2008, and for which the tax levied under this subsection, 2005, stats., has been paid.~~

SECTION 2395. 139.78 (1) of the statutes is amended to read:

139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco products in this state at the rate, for tobacco products, not including moist snuff, of 50 71 percent of the cost of the tobacco products and, for moist snuff, at the rate of \$1.31 per ounce, and at a proportionate rate for any other quantity or fractional part thereof, of the moist snuff's net weight, as listed by the manufacturer 100 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. The tax imposed under this subsection on cigars shall not exceed an

amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are exempt from the tobacco products tax under s. 139.76 (2).

SECTION 2401. 139.803 (3) of the statutes is amended to read:

139.803 (3) The land on which the sale occurred was designated a reservation or trust land on or before January 1, 1983, or on a later date as determined by an agreement between the department and the tribal council.

SECTION 2406. 145.08 (1) (intro.) of the statutes is amended to read:

145.08 (1) (intro.) The department shall ~~fix, by rule, the amount of the~~ establish fees ~~by rule~~ for the examinations, licenses, and registrations specified in this section. ~~The fees specified in this section are not returnable and may not exceed the amounts stated in this section as follows established by the department shall as closely as possible equal the cost of providing the following services:~~

SECTION 2407. 145.08 (1) (a) of the statutes is amended to read:

145.08 (1) (a) ~~For Administering a master plumber's examination, \$50. For each subsequent examination, \$30.~~

SECTION 2408. 145.08 (1) (b) of the statutes is amended to read:

145.08 (1) (b) ~~For Issuing a master plumber's license, \$500, and \$500 for each renewal of the 4-year license if application is made prior to the date of expiration; after that date an additional fee of \$20.~~

SECTION 2409. 145.08 (1) (c) of the statutes is amended to read:

145.08 (1) (c) ~~For Administering a journeyman plumber's examination, \$30. For each subsequent examination, \$20.~~

SECTION 2410. 145.08 (1) (d) of the statutes is amended to read:

145.08 (1) (d) ~~For Issuing a journeyman plumber's license, \$180, and \$180 for each renewal of the 4-year license if application is made prior to the date of expiration; after that date an additional fee of \$10.~~

SECTION 2411. 145.08 (1) (e) of the statutes is amended to read:

145.08 (1) (e) ~~For Issuing a temporary permit pending examination and issuance of a license for master plumber, \$400; for or journeyman \$150 and which shall also cover the examination fee prescribed and the license fee for the 4-year period in which issued plumber.~~

SECTION 2412. 145.08 (1) (f) of the statutes is amended to read:

145.08 (1) (f) ~~For Administering a master plumber's (restricted) examination, \$50. For each subsequent examination, \$30.~~

SECTION 2413. 145.08 (1) (g) of the statutes is amended to read:

145.08 (1) (g) ~~For Issuing a master plumber's license (restricted), \$500, and \$500 for each renewal of the 4-year license if application is made prior to the date of expiration; after that date an additional fee of \$20.~~

SECTION 2414. 145.08 (1) (h) of the statutes is amended to read:

145.08 (1) (h) ~~For Administering a journeyman plumber's (restricted) examination, \$30. For each subsequent examination, \$20.~~

SECTION 2415. 145.08 (1) (i) of the statutes is amended to read:

145.08 (1) (i) ~~For Issuing a journeyman plumber's license (restricted), \$180, and \$180 for each renewal of the 4-year license if application is made prior to the date of expiration; after that date an additional fee of \$10.~~

SECTION 2416. 145.08 (1) (k) of the statutes is amended to read:

145.08 (1) (k) ~~For Administering an automatic fire sprinkler contractor's examination, \$100.~~

SECTION 2417. 145.08 (1) (L) of the statutes is amended to read:

145.08 (1) (L) ~~For Issuing an automatic fire sprinkler contractor's license, \$2,000, and \$2,000 for each renewal of the 4-year license if application is made prior to the date of expiration; after that date an additional fee of \$25.~~

SECTION 2418. 145.08 (1) (Lm) of the statutes is amended to read:

145.08 (1) (Lm) ~~For Issuing an automatic fire sprinkler - maintenance only registration, \$400, and \$400 for each renewal of the 4-year registration if application is made prior to the date of expiration; after that date an additional fee of \$25.~~

SECTION 2419. 145.08 (1) (m) of the statutes is amended to read:

145.08 (1) (m) ~~For Administering a journeyman automatic fire sprinkler fitter's examination, \$20 and \$20 for each subsequent examination.~~

SECTION 2420. 145.08 (1) (n) of the statutes is amended to read:

145.08 (1) (n) ~~For Issuing a journeyman automatic fire sprinkler fitter's license, \$180, and \$180 for each renewal of the 4-year license if application is made prior to the date of expiration; after that date an additional fee of \$10.~~

SECTION 2421. 145.08 (1) (nm) of the statutes is amended to read:

145.08 (1) (nm) ~~For Issuing an automatic fire sprinkler fitter - maintenance only registration certificate, \$60, and \$60 for each renewal of the 4-year registration if application is made prior to the date of expiration; after that date an additional fee of \$10.~~

SECTION 2422. 145.08 (1) (o) of the statutes is amended to read:

145.08 (1) (o) ~~For Issuing a utility contractor's license, \$500 and \$500 for each renewal of the 4-year~~

~~license if application is made prior to the date of expiration; after that date an additional fee of \$10.~~

SECTION 2423. 145.08 (1) (p) of the statutes is renumbered 145.08 (1g) and amended to read:

145.08 (1g) ~~For The department may not charge a plumbing supervisor employed by the department in accord with s. 145.02 (3) (a), no-cost a fee~~ for the appropriate 4-year license for which the plumbing supervisor has previously qualified.

SECTION 2424. 145.08 (1) (q) of the statutes is amended to read:

145.08 (1) (q) ~~For Issuing a pipelayer's registration, \$180 at the time of registration and \$180 for each subsequent 4-year period of registration.~~

SECTION 2425. 145.08 (3) of the statutes is amended to read:

145.08 (3) To establish a record of beginning an apprenticeship, as a plumber, as an automatic fire sprinkler system apprentice, or as a plumber learner (restricted), every plumbing and automatic fire sprinkler system apprentice and every plumbing learner (restricted) shall within 30 days after beginning an apprenticeship or learnership register with the department. A fee of \$15 established by the department by rule shall be paid at the time of registration and before January 1 of each subsequent calendar year during which the apprentice is engaged in the apprenticeship or learnership.

SECTION 2426. 146.19 (2) (intro.) of the statutes is amended to read:

146.19 (2) AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From the appropriation account under s. 20.435 (5) (1) (ke), the department shall award grants for American Indian health projects in order to address specific problem areas in the field of American Indian health. A tribe, tribal agency, or inter-tribal organization may apply, in the manner specified by the department, for a grant of up to \$10,000 to conduct an American Indian health project that is designed to do any of the following:

SECTION 2427. 146.45 (4) of the statutes is created to read:

146.45 (4) In each fiscal year, there is transferred from the appropriation account under s. 20.435 (4) (jz) to the appropriation account under s. 20.435 (4) (jw) an amount, determined by the secretary, that is sufficient for the department to administer a contract with an entity to operate the purchasing pool established under sub. (2), but not more than 5 percent of the total amount paid by persons to purchase prescription drugs as members of the purchasing pool in the fiscal year.

SECTION 2428. 146.65 (1) (intro.) of the statutes is amended to read:

146.65 (1) (intro.) From the appropriation account under s. 20.435 (5) (1) (dm), the department shall distribute moneys as follows:

SECTION 2429. 146.68 (intro.) of the statutes is amended to read:

146.68 Grant for colonoscopies and other services. (intro.) From the appropriation account under s. 20.435 ~~(5) (1) (dg)~~, the department shall provide ~~\$100,000 in fiscal year 2007-08 and \$75,000 in each subsequent fiscal year~~ to an entity that satisfies the following criteria to provide colonoscopic examinations and to provide services to medical assistance recipients or persons who are eligible for medical assistance:

SECTION 2429b. 146.81 (1) (q) of the statutes is created to read:

146.81 (1) (q) An ambulance service provider, as defined in s. 256.01 (3).

SECTION 2429c. 146.81 (1) (r) of the statutes is created to read:

146.81 (1) (r) An emergency medical technician, as defined in s. 256.01 (5).

SECTION 2429d. 146.81 (1) (s) of the statutes is created to read:

146.81 (1) (s) A first responder, as defined in s. 256.01 (9).

SECTION 2429e. 146.81 (4) of the statutes is amended to read:

146.81 (4) "Patient health care records" means all records related to the health of a patient prepared by or under the supervision of a health care provider, ~~but, and all records made by an ambulance service provider, as defined in s. 256.01 (3), an emergency medical technician, as defined in s. 256.01 (5), or a first responder, as defined in s. 256.01 (9), in administering emergency care procedures to and handling and transporting sick, disabled, or injured individuals.~~ "Patient health care records" includes billing statements and invoices for treatment or services provided by a health care provider and includes health summary forms prepared under s. 302.388 (2). "Patient health care records" does not include those records subject to s. 51.30, reports collected under s. 69.186, records of tests administered under s. 252.15 (2) (a) 7., 343.305, 938.296 (4) or (5) or 968.38 (4) or (5), records related to sales of pseudoephedrine products, as defined in s. 961.01 (20c), that are maintained by pharmacies under s. 961.235, fetal monitor tracings, as defined under s. 146.817 (1), or a pupil's physical health records maintained by a school under s. 118.125. ~~"Patient health care records" also includes health summary forms prepared under s. 302.388 (2).~~

SECTION 2430. 146.81 (5) of the statutes is amended to read:

146.81 (5) "Person authorized by the patient" means the parent, guardian, or legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person vested with supervision of the child under s. 938.183 or 938.34 (4d), (4h), (4m), or (4n), the guardian of a patient adjudicated incompetent in this state, the personal representative or spouse, or domestic partner under ch. 770 of a deceased

patient, any person authorized in writing by the patient or a health care agent designated by the patient as a principal under ch. 155 if the patient has been found to be incapacitated under s. 155.05 (2), except as limited by the power of attorney for health care instrument. If no spouse or domestic partner survives a deceased patient, "person authorized by the patient" also means an adult member of the deceased patient's immediate family, as defined in s. 632.895 (1) (d). A court may appoint a temporary guardian for a patient believed incompetent to consent to the release of records under this section as the person authorized by the patient to decide upon the release of records, if no guardian has been appointed for the patient.

SECTION 2431. 146.82 (2) (a) 8. of the statutes is amended to read:

146.82 (2) (a) 8. To the department under s. 255.04 and to the persons specified under s. 255.04 (3). The release of a patient health care record under this subdivision shall be limited to the information prescribed by the department under s. 255.04 (2).

SECTION 2432. 146.82 (2) (a) 18m. of the statutes is amended to read:

146.82 (2) (a) 18m. If the subject of the patient health care records is a child or juvenile who has been placed in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility, including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, or to an agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements, to the foster parent or ~~treatment foster parent~~ of the child or juvenile or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

SECTION 2433b. 146.83 (1) (intro.) and (a) of the statutes are consolidated, renumbered 146.83 (1d) and amended to read:

146.83 (1d) Except as provided in s. 51.30 or 146.82 (2), any patient or ~~other~~ person authorized by the patient

may, upon submitting a statement of informed consent: ~~(a) inspect, inspect~~ the health care records of a health care provider pertaining to that patient ~~at any time~~. Except as provided in sub. (1g), the health care provider shall make the records available for inspection by the patient or person authorized by the patient during regular business hours, upon reasonable within 21 days after the health care provider receives notice from the patient or person authorized by the patient. A health care provider may not charge a fee for inspection under this subsection.

SECTION 2433c. 146.83 (1) (b) and (c) of the statutes are repealed.

SECTION 2433d. 146.83 (1f) of the statutes is created to read:

146.83 (1f) (a) Except as provided in par. (b), sub. (1g), or s. 51.30 or 146.82 (2), if a patient or a person authorized by the patient requests copies of the patient's health care records, provides informed consent, and pays the applicable fees under par. (c) or (d), the health care provider shall, subject to sub. (1k), provide the patient or person authorized by the patient copies of the requested records within 21 days after receiving the request.

(b) Except as provided in sub. (1g) or s. 51.30 or 146.82 (2), if a patient or a person authorized by the patient requests a copy of a health care provider's report regarding an X-ray of the patient, provides informed consent, and pays the applicable fees under par. (c) or (d), the health care provider shall, subject to sub. (1k), provide the patient or person authorized by the patient a copy of the report or provide the X-ray to another health care provider of the patient's choice within 30 days after receiving the request.

(c) Except as provided in par. (d), a health care provider may charge no more than the total of all of the following that apply for providing copies requested under par. (a) or (b):

1. For paper copies, 35 cents per page.
2. For microfiche or microfilm copies, \$1.25 per page.
3. For a print of an X-ray, \$10 per image.

3m. For providing copies in digital or electronic format, a single charge of \$5 for all copies requested. A health care provider may not charge a fee for the disc or other storage medium on which copies are provided in a digital or electronic format.

4. Actual shipping costs.

5. If the patient or person authorized by the patient requests delivery of the copies within 7 or fewer days after making a request for copies, and the health care provider delivers the copies within that time, a fee equal to 10 percent of the total fees that may be charged under subds. 1. to 4.

(d) 1. If a patient or person authorized by the patient requests copies of the patient's health care records under this subsection for use in appealing a denial of social security disability insurance, under 42 USC 401 to 433,

or supplemental security income, under 42 USC 1381 to 1385, the health care provider may charge the patient or person authorized by the patient no more than the amount that the federal social security administration reimburses the department for copies of patient health care records.

2. Except as provided in sub. (1g), a health care provider may not charge a fee for providing one set of copies of a patient's health care records under this subsection if the patient is eligible for medical assistance, as defined in s. 49.43 (8). A health care provider may require that a patient or person authorized by the patient provide proof that the patient is eligible for medical assistance before providing copies under this subdivision without charge. A health care provider may charge the fees under par. (c) for providing a 2nd or additional set of copies of patient health care records for a patient who is eligible for medical assistance.

SECTION 2433e. 146.83 (1g) of the statutes is created to read:

146.83 (1g) The time limit for making records available for inspection under sub. (1d), the time limits for providing copies of records under sub. (1f) (a) and (b), and the requirement under sub. (1f) (d) 2. to provide one set of copies of records without charge if the patient is eligible for medical assistance do not apply if the health care provider is the department or the department of corrections.

SECTION 2433f. 146.83 (1h) of the statutes is created to read:

146.83 (1h) (a) Except as provided in s. 51.30 or 146.82 (2), if a person other than a patient and other than a person authorized by the patient requests copies of a patient's health care records, provides informed consent, and pays the applicable fees under par. (b) or (c), the health care provider shall, subject to sub. (1k), provide the person making the request copies of the requested records.

(b) Except as provided in par. (c), a health care provider may charge no more than the total of all of the following that apply for providing copies requested under par. (a):

1. For paper copies, 35 cents per page.
2. For microfiche or microfilm copies, \$1.25 per page.
3. For a print of an X-ray, \$10 per image.

3m. For providing copies in digital or electronic format, a single charge of \$5 for all copies requested. A health care provider may not charge a fee for the disc or other storage medium on which copies are provided in a digital or electronic format.

4. For certification of copies, \$5.

5. For processing and handling, a single \$15 charge for all copies requested.

6. Actual shipping costs.

7. If the requester requests delivery of the copies within 7 or fewer days after making a request for copies,

and the health care provider delivers the copies within that time, a fee equal to 10 percent of the total fees that may be charged under subds. 1. to 6.

(c) If the department requests copies of a patient's health care records for use in determining eligibility for social security disability insurance, under 42 USC 401 to 433, or supplemental security income, under 42 USC 1381 to 1385, the health care provider may charge no more than the amount that the federal social security administration reimburses the department for copies of patient health care records.

SECTION 2433h. 146.83 (1k) of the statutes is created to read:

146.83 (1k) Upon the request of the person requesting copies of patient health care records under sub. (1f) or (1h), the health care provider shall provide the copies in a digital or electronic format unless the health care provider's record system does not provide for the creation or transmission of records in a digital or electronic format, in which case the health care provider shall provide the person a written explanation for why the copies cannot be provided in a digital or electronic format. The health care provider may include the written explanation with the production of paper copies of the records if the person chooses to receive paper copies.

SECTION 2433j. 146.83 (1m) (a) of the statutes is renumbered 146.83 (1m).

SECTION 2433L. 146.83 (1m) (b) of the statutes is repealed.

SECTION 2433n. 146.83 (3m) of the statutes is repealed.

SECTION 2433p. 146.84 (2) (a) 1. of the statutes is amended to read:

146.84 (2) (a) 1. Requests or obtains confidential information under s. 146.82 or 146.83 ~~(1) (1d), (1f), or (1h)~~ under false pretenses.

SECTION 2433r. 146.84 (2) (d), (e) and (f) of the statutes are created to read:

146.84 (2) (d) Any health care provider who does not allow inspection of patient health care records under s. 146.83 (1d) within 21 days after receiving notice from a patient or person authorized by the patient is subject to a forfeiture of \$100, plus \$10 for each day after 21 days that the health care provider does not allow inspection.

(e) Any health care provider who does not provide copies of patient health records requested under s. 146.83 (1f) (a) within 21 days after receiving the request is subject to a forfeiture of \$100, plus \$10 for each day after 21 days that the health care provider does not provide the copies.

(f) Any health care provider who does not provide a copy of an X-ray report or provide a copy of an X-ray to another health care provider within 30 days after a patient or person authorized by the patient makes a request for the X-ray report under s. 146.83 (1f) (b) is subject to a forfeiture of \$100, plus \$10 for each day after 30 days that

the health care provider does not provide the copy of the report or provide the X-ray.

SECTION 2433t. 146.905 (1) of the statutes is amended to read:

146.905 (1) Except as provided in sub. (2), a health care provider, as defined in s. 146.81 (1) (a) to (p), that provides a service or a product to an individual with coverage under a disability insurance policy, as defined in s. 632.895 (1) (a), may not reduce or eliminate or offer to reduce or eliminate coinsurance or a deductible required under the terms of the disability insurance policy.

SECTION 2433v. 146.96 of the statutes is amended to read:

146.96 Uniform claim processing form. Beginning no later than July 1, 2004, every health care provider, as defined in s. 146.81 (1) (a) to (p), shall use the uniform claim processing form developed by the commissioner of insurance under s. 601.41 (9) (b) when submitting a claim to an insurer.

SECTION 2433x. 146.98 of the statutes is created to read:

146.98 Ambulatory surgical center assessment. (1) In this section, "ambulatory surgical center" has the meaning given in 42 CFR 416.2.

(2) The department of revenue may impose an assessment on ambulatory surgical centers in this state that satisfies the requirements under 42 CFR 433.68 for collecting an assessment without incurring a reduction in federal financial participation under the federal Medicaid program. The department shall allocate any assessment imposed under this section among ambulatory surgical centers in proportion to their gross patient revenue.

(3) The department of revenue may do all of the following:

(a) Subject to sub. (2), determine the amount of assessment under this section.

(b) Collect assessments imposed under this section from ambulatory surgical centers.

(c) Require ambulatory surgical centers to provide the department of revenue any data that is required by the department of revenue to determine assessment amounts under this section.

(d) Establish deadlines by which ambulatory surgical centers shall pay assessments required under this section and provide data required under par. (c).

(e) Impose penalties on ambulatory surgical centers that do not comply with requirements under this section or rules promulgated under sub. (5).

(4) The department of revenue shall transfer 99.5 percent of the moneys collected under this section to the Medical Assistance trust fund.

(5) The department of revenue shall promulgate rules for the administration of the assessment under this section.

SECTION 2434. 149.12 (2) (f) 2. h. of the statutes is created to read:

149.12 (2) (f) 2. h. Benefits under BadgerCare Plus under s. 49.471 (11).

SECTION 2436n. 153.01 (4t) of the statutes is amended to read:

153.01 (4t) "Health care provider" has the meaning given in s. 146.81 (1) (a) to (p) and includes an ambulatory surgery center.

SECTION 2437. 155.01 (12) of the statutes is repealed and recreated to read:

155.01 (12) "Relative" means an individual related by blood within the 3rd degree of kinship as computed under s. 990.001 (16); a spouse, domestic partner under ch. 770, or an individual related to a spouse or domestic partner within the 3rd degree as so computed; and includes an individual in an adoptive relationship within the 3rd degree.

SECTION 2438. 155.10 (2) (a) of the statutes is amended to read:

155.10 (2) (a) Related to the principal by blood, marriage, or adoption, or the domestic partner under ch. 770 of the individual.

SECTION 2439. 155.30 (1) (form) of the statutes is amended to read:

155.30 (1) (form)

"NOTICE TO PERSON

MAKING THIS DOCUMENT

YOU HAVE THE RIGHT TO MAKE DECISIONS ABOUT YOUR HEALTH CARE. NO HEALTH CARE MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND NECESSARY HEALTH CARE MAY NOT BE STOPPED OR WITHHELD IF YOU OBJECT.

BECAUSE YOUR HEALTH CARE PROVIDERS IN SOME CASES MAY NOT HAVE HAD THE OPPORTUNITY TO ESTABLISH A LONG-TERM RELATIONSHIP WITH YOU, THEY ARE OFTEN UNFAMILIAR WITH YOUR BELIEFS AND VALUES AND THE DETAILS OF YOUR FAMILY RELATIONSHIPS. THIS POSES A PROBLEM IF YOU BECOME PHYSICALLY OR MENTALLY UNABLE TO MAKE DECISIONS ABOUT YOUR HEALTH CARE.

IN ORDER TO AVOID THIS PROBLEM, YOU MAY SIGN THIS LEGAL DOCUMENT TO SPECIFY THE PERSON WHOM YOU WANT TO MAKE HEALTH CARE DECISIONS FOR YOU IF YOU ARE UNABLE TO MAKE THOSE DECISIONS PERSONALLY. THAT PERSON IS KNOWN AS YOUR HEALTH CARE AGENT. YOU SHOULD TAKE SOME TIME TO DISCUSS YOUR THOUGHTS AND BELIEFS ABOUT MEDICAL TREATMENT WITH THE PERSON OR PERSONS WHOM YOU HAVE SPECIFIED. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF HEALTH CARE THAT YOU DO OR DO NOT DESIRE, AND YOU MAY LIMIT THE AUTHORITY OF YOUR HEALTH CARE AGENT. IF YOUR HEALTH CARE AGENT IS

UNAWARE OF YOUR DESIRES WITH RESPECT TO A PARTICULAR HEALTH CARE DECISION, HE OR SHE IS REQUIRED TO DETERMINE WHAT WOULD BE IN YOUR BEST INTERESTS IN MAKING THE DECISION.

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT GIVES YOUR AGENT BROAD POWERS TO MAKE HEALTH CARE DECISIONS FOR YOU. IT REVOKES ANY PRIOR POWER OF ATTORNEY FOR HEALTH CARE THAT YOU MAY HAVE MADE. IF YOU WISH TO CHANGE YOUR POWER OF ATTORNEY FOR HEALTH CARE, YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN YOUR PRESENCE, BY SIGNING A WRITTEN AND DATED STATEMENT OR BY STATING THAT IT IS REVOKED IN THE PRESENCE OF TWO WITNESSES. IF YOU REVOKE, YOU SHOULD NOTIFY YOUR AGENT, YOUR HEALTH CARE PROVIDERS AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY. IF YOUR AGENT IS YOUR SPOUSE OR DOMESTIC PARTNER AND YOUR MARRIAGE IS ANNULLED OR YOU ARE DIVORCED OR THE DOMESTIC PARTNERSHIP IS TERMINATED AFTER SIGNING THIS DOCUMENT, THE DOCUMENT IS INVALID.

YOU MAY ALSO USE THIS DOCUMENT TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT UPON YOUR DEATH. IF YOU USE THIS DOCUMENT TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT, THIS DOCUMENT REVOKES ANY PRIOR RECORD OF GIFT THAT YOU MAY HAVE MADE. YOU MAY REVOKE OR CHANGE ANY ANATOMICAL GIFT THAT YOU MAKE BY THIS DOCUMENT BY CROSSING OUT THE ANATOMICAL GIFTS PROVISION IN THIS DOCUMENT.

DO NOT SIGN THIS DOCUMENT UNLESS YOU CLEARLY UNDERSTAND IT.

IT IS SUGGESTED THAT YOU KEEP THE ORIGINAL OF THIS DOCUMENT ON FILE WITH YOUR PHYSICIAN."

SECTION 2440. 155.30 (3) (form) of the statutes is amended to read:

155.30 (3) (form)

POWER OF ATTORNEY FOR HEALTH CARE

Document made this.... day of.... (month),.... (year).

CREATION OF POWER OF ATTORNEY

FOR HEALTH CARE

I,.... (print name, address and date of birth), being of sound mind, intend by this document to create a power of attorney for health care. My executing this power of attorney for health care is voluntary. Despite the creation of this power of attorney for health care, I expect to be fully informed about and allowed to participate in any

health care decision for me, to the extent that I am able. For the purposes of this document, "health care decision" means an informed decision to accept, maintain, discontinue or refuse any care, treatment, service or procedure to maintain, diagnose or treat my physical or mental condition.

In addition, I may, by this document, specify my wishes with respect to making an anatomical gift upon my death.

DESIGNATION OF HEALTH CARE AGENT

If I am no longer able to make health care decisions for myself, due to my incapacity, I hereby designate... (print name, address and telephone number) to be my health care agent for the purpose of making health care decisions on my behalf. If he or she is ever unable or unwilling to do so, I hereby designate... (print name, address and telephone number) to be my alternate health care agent for the purpose of making health care decisions on my behalf. Neither my health care agent nor my alternate health care agent whom I have designated is my health care provider, an employee of my health care provider, an employee of a health care facility in which I am a patient or a spouse of any of those persons, unless he or she is also my relative. For purposes of this document, "incapacity" exists if 2 physicians or a physician and a psychologist who have personally examined me sign a statement that specifically expresses their opinion that I have a condition that means that I am unable to receive and evaluate information effectively or to communicate decisions to such an extent that I lack the capacity to manage my health care decisions. A copy of that statement must be attached to this document.

GENERAL STATEMENT OF AUTHORITY GRANTED

Unless I have specified otherwise in this document, if I ever have incapacity I instruct my health care provider to obtain the health care decision of my health care agent, if I need treatment, for all of my health care and treatment. I have discussed my desires thoroughly with my health care agent and believe that he or she understands my philosophy regarding the health care decisions I would make if I were able. I desire that my wishes be carried out through the authority given to my health care agent under this document.

If I am unable, due to my incapacity, to make a health care decision, my health care agent is instructed to make the health care decision for me, but my health care agent should try to discuss with me any specific proposed health care if I am able to communicate in any manner, including by blinking my eyes. If this communication cannot be made, my health care agent shall base his or her decision on any health care choices that I have expressed prior to the time of the decision. If I have not expressed a health care choice about the health care in question and communication cannot be made, my health care agent

shall base his or her health care decision on what he or she believes to be in my best interest.

LIMITATIONS ON MENTAL HEALTH TREATMENT

My health care agent may not admit or commit me on an inpatient basis to an institution for mental diseases, an intermediate care facility for persons with mental retardation, a state treatment facility or a treatment facility. My health care agent may not consent to experimental mental health research or psychosurgery, electroconvulsive treatment or drastic mental health treatment procedures for me.

ADMISSION TO NURSING HOMES OR COMMUNITY-BASED RESIDENTIAL FACILITIES

My health care agent may admit me to a nursing home or community-based residential facility for short-term stays for recuperative care or respite care.

If I have checked "Yes" to the following, my health care agent may admit me for a purpose other than recuperative care or respite care, but if I have checked "No" to the following, my health care agent may not so admit me:

1. A nursing home — Yes.... No....
2. A community-based residential facility — Yes.... No....

If I have not checked either "Yes" or "No" immediately above, my health care agent may admit me only for short-term stays for recuperative care or respite care.

PROVISION OF A FEEDING TUBE

If I have checked "Yes" to the following, my health care agent may have a feeding tube withheld or withdrawn from me, unless my physician has advised that, in his or her professional judgment, this will cause me pain or will reduce my comfort. If I have checked "No" to the following, my health care agent may not have a feeding tube withheld or withdrawn from me.

My health care agent may not have orally ingested nutrition or hydration withheld or withdrawn from me unless provision of the nutrition or hydration is medically contraindicated.

Withhold or withdraw a feeding tube — Yes.... No....

If I have not checked either "Yes" or "No" immediately above, my health care agent may not have a feeding tube withdrawn from me.

HEALTH CARE DECISIONS FOR PREGNANT WOMEN

If I have checked "Yes" to the following, my health care agent may make health care decisions for me even if my agent knows I am pregnant. If I have checked "No" to the following, my health care agent may not make health care decisions for me if my health care agent knows I am pregnant.

Health care decision if I am pregnant — Yes.... No....

If I have not checked either "Yes" or "No" immediately above, my health care agent may not make health

care decisions for me if my health care agent knows I am pregnant.

STATEMENT OF DESIRES, SPECIAL PROVISIONS OR LIMITATIONS

In exercising authority under this document, my health care agent shall act consistently with my following stated desires, if any, and is subject to any special provisions or limitations that I specify. The following are specific desires, provisions or limitations that I wish to state (add more items if needed):

- 1) -
2) -
3) -

INSPECTION AND DISCLOSURE OF INFORMATION RELATING TO MY PHYSICAL OR MENTAL HEALTH

Subject to any limitations in this document, my health care agent has the authority to do all of the following:

- (a) Request, review and receive any information, oral or written, regarding my physical or mental health, including medical and hospital records.
(b) Execute on my behalf any documents that may be required in order to obtain this information.
(c) Consent to the disclosure of this information.

(The principal and the witnesses all must sign the document at the same time.)

SIGNATURE OF PRINCIPAL

(person creating the power of attorney for health care)
Signature.... Date....

(The signing of this document by the principal revokes all previous powers of attorney for health care documents.)

STATEMENT OF WITNESSES

I know the principal personally and I believe him or her to be of sound mind and at least 18 years of age. I believe that his or her execution of this power of attorney for health care is voluntary. I am at least 18 years of age, am not related to the principal by blood, marriage, or adoption, am not the domestic partner under ch. 770 of the principal, and am not directly financially responsible for the principal's health care. I am not a health care provider who is serving the principal at this time, an employee of the health care provider, other than a chaplain or a social worker, or an employee, other than a chaplain or a social worker, of an inpatient health care facility in which the declarant is a patient. I am not the principal's health care agent. To the best of my knowledge, I am not entitled to and do not have a claim on the principal's estate.

Witness No. 1:
(print) Name.... Date....
Address....
Signature....

Witness No. 2:
(print) Name.... Date....
Address....

Signature....
STATEMENT OF HEALTH CARE AGENT AND ALTERNATE HEALTH CARE AGENT

I understand that.... (name of principal) has designated me to be his or her health care agent or alternate health care agent if he or she is ever found to have incapacity and unable to make health care decisions himself or herself. (name of principal) has discussed his or her desires regarding health care decisions with me.

Agent's signature....
Address....
Alternate's signature....
Address....

Failure to execute a power of attorney for health care document under chapter 155 of the Wisconsin Statutes creates no presumption about the intent of any individual with regard to his or her health care decisions.

This power of attorney for health care is executed as provided in chapter 155 of the Wisconsin Statutes.

ANATOMICAL GIFTS (optional)

Upon my death:

.... I wish to donate only the following organs or parts: (specify the organs or parts).

.... I wish to donate any needed organ or part.

.... I wish to donate my body for anatomical study if needed.

.... I refuse to make an anatomical gift. (If this revokes a prior commitment that I have made to make an anatomical gift to a designated donee, I will attempt to notify the donee to which or to whom I agreed to donate.)

Failing to check any of the lines immediately above creates no presumption about my desire to make or refuse to make an anatomical gift.

Signature.... Date....

SECTION 2441. 155.40 (2) of the statutes is amended to read:

155.40 (2) If the health care agent is the principal's spouse or domestic partner under ch. 770 and, subsequent to the execution of a power of attorney for health care instrument, the marriage is annulled or divorce from the spouse is obtained or the domestic partnership under ch. 770 is terminated, the power of attorney for health care is revoked and the power of attorney for health care instrument is invalid.

SECTION 2442. 157.05 of the statutes is amended to read:

157.05 Autopsy. Consent for a licensed physician to conduct an autopsy on the body of a deceased person shall be deemed sufficient when given by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, domestic partner under ch. 770, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If 2 or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

SECTION 2443. 157.06 (9) (a) 2. of the statutes is amended to read:

157.06 (9) (a) 2. The spouse or domestic partner under ch. 770 of the individual.

SECTION 2443d. 165.018 of the statutes is repealed.

SECTION 2443m. 165.03 of the statutes is created to read:

165.03 Funding for assistant district attorney and public defender retention pay. (1) Notwithstanding the purposes for which appropriations are made under s. 20.455, in each fiscal year, the attorney general may transfer to the appropriation account under s. 20.455 (3) (kb) a total of up to \$1,000,000 from appropriation accounts under s. 20.455, except all of the following, for retention pay for assistant district attorneys and assistant state public defenders:

- (a) A sum sufficient appropriation.
- (b) An appropriation of federal moneys.
- (c) An appropriation from which transfer of moneys under this subsection is prohibited under the constitution.

(2) (a) In this subsection:

1. "District attorney percentage" means the percentage of total assistant attorney positions that are assistant district attorney positions.

2. "Public defender percentage" means the percentage of total assistant attorney positions that are assistant state public defender positions.

3. "Total assistant attorney positions" means the total full-time equivalent assistant district attorney positions filled as of June 30th of a fiscal year plus the total full-time equivalent assistant state public defender positions filled on that date.

(b) If the attorney general transfers moneys under sub. (1) in a fiscal year, the attorney general shall on June 30 of that fiscal year transfer from the appropriation account under s. 20.455 (3) (kb) to the appropriation account under s. 20.475 (1) (kb) an amount equal to the amount transferred under sub. (1) multiplied by the district attorney percentage.

(c) If the attorney general transfers moneys under sub. (1) in a fiscal year, the attorney general shall on June 30 of that fiscal year transfer from the appropriation account under s. 20.455 (3) (kb) to the appropriation account under s. 20.550 (1) (kb) an amount equal to the amount transferred under sub. (1) multiplied by the public defender percentage.

SECTION 2444b. 165.25 (4) (ar) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

165.25 (4) (ar) The department of justice shall furnish all legal services required by the department of agriculture, trade and consumer protection relating to the enforcement of ss. 91.68, 93.73, 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50, 100.51, 100.55, and 846.45 and chs. 126, 136, 344, 704, 707, and 779, together with any

other services as are necessarily connected to the legal services.

SECTION 2446. 165.755 (1) (a) of the statutes is amended to read:

165.755 (1) (a) Except as provided in par. (b), a court shall impose under ch. 814 a crime laboratories and drug law enforcement surcharge of ~~\$8~~ \$13 if the court imposes a sentence, places a person on probation, or imposes a forfeiture for a violation of state law or for a violation of a municipal or county ordinance.

SECTION 2446m. 165.755 (1) (b) of the statutes is amended to read:

165.755 (1) (b) A court may not impose the crime laboratories and drug law enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5) (b), for a financial responsibility violation under s. 344.62 (2), for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation of a state law or municipal or county ordinance involving a nonmoving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

SECTION 2447m. 165.785 of the statutes is created to read:

165.785 Crime alert network. (1) In addition to its duties under ss. 165.50 and 165.78, the department may develop, administer, and maintain an integrated crime alert network to provide information regarding known or suspected criminal activity, crime prevention, and missing or endangered children or adults to state agencies, law enforcement officers, and members of the private sector.

(2) The department may charge a fee to members of the private sector who receive information under sub. (1).

SECTION 2448. 165.82 (1) (a) and (ag) of the statutes are consolidated, renumbered 165.82 (1) (a) and amended to read:

165.82 (1) (a) For each record check, except a fingerprint card record check, requested by a nonprofit organization, ~~\$2.~~ ~~(ag) For each record check, except a fingerprint card record check, requested or~~ by a governmental agency, ~~\$5~~ \$7.

SECTION 2448d. 165.82 (1) (a) of the statutes, as affected by 2009 Wisconsin Act ... (this act), is amended to read:

165.82 (1) (a) For each record check, except a fingerprint card record check, requested by a nonprofit organization, ~~or by a governmental agency, \$7~~ \$2.

SECTION 2448s. 165.82 (1) (am) of the statutes is created to read:

165.82 (1) (am) For each record check, except a fingerprint card record check, requested by a governmental agency, \$7.

SECTION 2450. 165.85 (4) (b) 1d. f. of the statutes is created to read:

165.85 (4) (b) 1d. f. Training concerning cultural diversity, including sensitivity toward racial and ethnic differences. The training shall be designed to prevent the use of race, racial profiling, racial stereotyping, or other race-based discrimination or selection as a basis for detaining, searching, or arresting a person or for otherwise treating a person differently from persons of other races and shall emphasize the fact that the primary purposes of enforcement of traffic regulations are safety and equal and uniform enforcement under the law.

SECTION 2450b. 167.10 (1) (p) of the statutes is created to read:

167.10 (1) (p) A novelty device that spins or moves on the ground.

SECTION 2450c. 167.10 (2) (intro.) of the statutes is amended to read:

167.10 (2) SALE. (intro.) No person may sell or possess with intent to sell fireworks, ~~except unless any of the following apply:~~

SECTION 2450d. 167.10 (2) (a) of the statutes is amended to read:

167.10 (2) (a) ~~To a~~ The person sells the fireworks, or possesses the fireworks with intent to sell them, to a person holding a permit under sub. (3) (c);

SECTION 2450dm. 167.10 (2) (b) of the statutes is amended to read:

167.10 (2) (b) ~~To~~ The person sells the fireworks, or possesses the fireworks with intent to sell them, to a city, village or town; ~~or,~~

SECTION 2450e. 167.10 (2) (bg) of the statutes is created to read:

167.10 (2) (bg) The person sells the fireworks, or possesses the fireworks with intent to sell them, to a person who is not a resident of this state.

SECTION 2450f. 167.10 (2) (c) of the statutes is amended to read:

167.10 (2) (c) ~~For~~ The person sells the fireworks, or possesses the fireworks with intent to sell them, for a purpose specified under sub. (3) (b) 2. to 6.

SECTION 2450g. 167.10 (3) (a) of the statutes is amended to read:

167.10 (3) (a) No person may possess or use fireworks without a user's permit from the mayor of the city, president of the village or chairperson of the town in which the possession or use is to occur or from ~~an official or employee of that municipality~~ a person designated by the mayor, president or chairperson to issue a user's permit. No person may use fireworks or a device listed under sub. (1) (e) to (g) or (i) to (n) while attending a fireworks display for which a permit has been issued to a person listed under par. (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

SECTION 2450h. 167.10 (3) (f) 3. of the statutes is amended to read:

167.10 (3) (f) 3. The general kind and approximate quantity of fireworks which may be purchased.

SECTION 2450j. 167.10 (3) (fm) of the statutes is created to read:

167.10 (3) (fm) If a city, village, or town requires that a user's permit be signed or stamped, a person who is authorized to issue the permit under par. (a) may sign or stamp the permit before the permit is issued rather than signing or stamping the permit at the time that it is issued.

SECTION 2450k. 167.10 (3) (g) of the statutes is amended to read:

167.10 (3) (g) A copy of a permit under this subsection shall be given to the municipal fire or law enforcement official at least 2 days before the date of authorized use. This paragraph does not apply to a permit authorizing only the sale or possession of fireworks that are classified by the federal department of transportation as Division 1.4 explosives, as defined in 49 CFR 173.50.

SECTION 2450m. 167.10 (4) of the statutes is amended to read:

167.10 (4) OUT-OF-STATE AND IN-STATE SHIPPING. This section does not prohibit a ~~resident wholesaler or jobber vendor~~ from selling fireworks to a nonresident person or to a person or group granted a permit under sub. (3) (c) 1. to 7. A ~~resident wholesaler or jobber vendor~~ that ships fireworks sold under this subsection shall package and ship the fireworks in accordance with applicable state and federal law ~~by, as defined in s. 194.01 (1), (2) and (11), common motor carrier, contract motor carrier or private motor carrier.~~

SECTION 2451. 167.10 (7) of the statutes is amended to read:

167.10 (7) PARENTAL LIABILITY. A parent, foster parent, ~~treatment foster parent,~~ family-operated group home parent, or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

SECTION 2453. 175.35 (2i) of the statutes is amended to read:

175.35 (2i) The department shall charge a firearms dealer ~~an \$8 a \$13~~ fee for each firearms restrictions record search that the firearms dealer requests under sub. (2) (c). The firearms dealer may collect the fee from the transferee. The department may refuse to conduct firearms restrictions record searches for any firearms dealer who fails to pay any fee under this subsection within 30 days after billing by the department.

SECTION 2453tm. 185.981 (4t) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

185.981 (4t) A sickness care plan operated by a cooperative association is subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4), (5), and (6), 632.885, 632.895 (10) to ~~(46)~~ (17), and 632.897 (10) and chs. 149 and 155.

SECTION 2453u. 185.983 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4), (5), and (6), ~~632.885~~, 632.895 (5) and (9) to ~~(16)~~ (17), 632.896, and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association shall:

SECTION 2453um. 186.11 (4) (b) 17. of the statutes is created to read:

186.11 (4) (b) 17. Services related to the sale or leasing of motor vehicles, but only if the credit union service organization provided the services prior to January 1, 2009, and only if the credit union service organization provides the services at the specific location at which the services were provided prior to January 1, 2009.

SECTION 2453v. 186.11 (4) (bd) of the statutes is amended to read:

186.11 (4) (bd) The office of credit unions may expand the list of services under par. (b) that are related to the routine daily operations of credit unions, except for the services described in par. (b) 17. Any service approved under this paragraph shall be authorized for all credit union service organizations under par. (a). A credit union may file a written request with the office of credit unions to exercise its authority under this paragraph and may include, along with the request, a description of any proposed service and an explanation of how that service is related to the routine daily operations of credit unions. Within 60 days after receiving a request under this paragraph, the office of credit unions shall approve or disapprove the request.

SECTION 2453w. 186.314 (intro.) (except 186.314 (title)) of the statutes is renumbered 186.314 (1m).

SECTION 2453x. 186.314 (1m) (title) of the statutes is created to read:

186.314 (1m) (title) TO FEDERAL CREDIT UNION.

SECTION 2453y. 186.314 (2) of the statutes is created to read:

186.314 (2) TO MUTUAL SAVINGS BANK. (a) A credit union may convert to a mutual savings bank by complying with pars. (b) to (d).

(b) The proposition for a conversion shall first be approved by a majority recommendation of the directors of the credit union. The directors shall, by a majority vote of the directors, set a date for a meeting of credit union members to vote on the conversion. Credit union members may also vote by written ballot to be filed on or before the meeting date. Written notice specifying the purpose and subject matter of the meeting and the date that is set for the meeting and for voting by submission

of a written ballot shall be sent to each member eligible to vote at the member's address appearing on the records of the credit union. This notice shall be sent to each credit union member 3 times, once not more than 95 days nor less than 90 days before the date of the meeting to vote on the conversion, once not more than 65 days nor less than 60 days before the date of the meeting to vote on the conversion, and once not more than 35 days nor less than 30 days before the date of the meeting to vote on the conversion. The 3rd such notice shall be accompanied by a written ballot, shall clearly inform the member that the member may vote at the meeting or by submitting the written ballot, and shall state the time and place of the meeting in addition to the date of the meeting. Approval of the proposition for conversion shall be by affirmative vote, in person or in writing, of a majority of the credit union members voting at the meeting or by written ballot.

(c) A credit union that proposes to convert to a mutual savings bank under this subsection shall file with the office of credit unions a notice of its intent to convert and, within 10 days after the member vote on the conversion under par. (b), a statement of the results of the member vote. If the credit union members vote to approve the proposition for conversion, the member vote shall be verified by the office of credit unions and, if the office of credit unions disapproves of the methods or procedures used in relation to that member vote, the member vote shall be taken again in the manner directed by the office of credit unions and consistent with the requirements under par. (b).

(d) Upon approval by the credit union members of the proposition for conversion under par. (b), the credit union shall take all necessary action under ch. 214 to complete the conversion to a mutual savings bank. Within 10 days after receipt from the division of banking of a certificate of incorporation as a mutual savings bank, the credit union shall file a copy of the certificate with the office of credit unions. The office of credit unions shall issue to a converting credit union a certificate of conversion to a mutual savings bank if the office determines that the conversion complies with this subsection and all requirements under ch. 214. The date specified in the certificate of conversion is the effective date of the conversion.

(e) Upon conversion, the credit union shall cease to be a credit union, shall be a mutual savings bank, shall no longer be subject to this chapter, and shall be subject to ch. 214 and all other provisions of law governing mutual savings banks. Upon conversion, the legal existence of the mutual savings bank shall be a continuation of the credit union, and all property and every right, privilege, interest, and asset of the credit union immediately, without any conveyance, transfer, or further act of the mutual savings bank, vests in the mutual savings bank. The resulting mutual savings bank shall succeed to and be vested with all the rights, assets, obligations, and relations of the credit union, and all actions and other judicial

proceedings to which the credit union is a party may be prosecuted and defended, to the same extent as though the conversion had not taken place.

(f) 1. In this paragraph, "senior management official" means a chief executive officer, an assistant chief executive officer, a chief financial officer, and any other senior executive officer as defined by the appropriate federal banking agency as directed under 12 USC 1831i(f).

2. No director or senior management official of a credit union may receive any economic benefit in connection with a conversion of the credit union to a mutual savings bank except that a director or senior management official may receive director fees as well as compensation and other benefits paid to directors and senior management officials of the converted mutual savings bank in the ordinary course of business.

SECTION 2454k. 196.025 (6) of the statutes is created to read:

196.025 (6) POLICE AND FIRE PROTECTION FEE. (a) In this subsection:

1. "Communications provider" means a person that provides communications service.

2. "Communications service" means active retail voice communications service.

3. "Department" means the department of revenue.

(b) 1. Except as provided in subd. 2., a communications provider shall impose a monthly fee of \$0.75 on each communications service connection with an assigned telephone number, including a communication service provided via a voice over Internet protocol connection. If a communications provider provides multiple communications service connections to a subscriber, the communications provider shall impose a separate fee under this subdivision on each of the first 10 connections and one additional fee for each 10 additional connections per billed account. A communications provider may list the fee separately from other charges on a subscriber's bill, and if a communications provider does so, the communications provider shall identify the fee as "police and fire protection fee," or, if the communications provider combines the fee with a charge imposed under s. 256.35 (3), the communications provider shall identify the combined fee and charge as "charge for funding countywide 911 systems plus police and fire protection fee." Any partial payment of a fee by a subscriber shall first be applied to any amount the subscriber owes the communications provider for communications service.

2. A communications provider that offers a prepaid wireless telecommunications plan, or a retailer that offers such a plan on behalf of a communications provider, shall impose a fee equal to \$0.38 on each retail transaction for such a plan that occurs in this state. A communications provider or retailer may state the amount of the fee separately on a bill for the retail transaction, and if a communications provider or retailer does so, the communica-

tions provider or retailer shall identify the fee as "police and fire protection fee."

(c) 1. Except as provided in subd. 2., no later than the first calendar month following the calendar month in which a communications provider or retailer receives from a subscriber a fee imposed under par. (b), the communications provider or retailer shall remit the fee to the commission.

2. The commission may contract with the department for the collection of fees imposed under par. (b) 2. If the commission and department enter into such a contract, no later than the first calendar month following the calendar month in which a communications provider or retailer receives from a subscriber a fee imposed under par. (b) 2., the communications provider or retailer shall remit the fee to the department.

3. The commission and department shall deposit all fees remitted under subs. 1. and 2. into the police and fire protection fund.

(d) The commission may do any of the following:

1. Promulgate rules for administering this subsection.

2. Bring an action to collect any amount that is required to be remitted under par. (c).

SECTION 2454L. 196.025 (6) of the statutes, as created by 2009 Wisconsin Act (this act), is repealed.

SECTION 2460d. 196.202 (2) of the statutes is amended to read:

196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that a commercial mobile radio service provider is subject to ~~s. ss. 196.025 (6), 196.218 (3) if the commission promulgates rules that designate commercial mobile radio service providers as eligible to receive universal service funding under both the federal and state universal service fund programs. If the commission promulgates such rules, a commercial mobile radio service provider, and 196.859, and shall respond, subject to the protection of the commercial mobile radio service provider's competitive information, to all reasonable requests for information about its operations in this state from the commission necessary to administer the universal service fund ss. 196.025 (6), 196.218 (3), and 196.859.~~

SECTION 2460f. 196.202 (2) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

196.202 (2) SCOPE OF REGULATION. A commercial mobile radio service provider is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that a commercial mobile radio service provider is subject to ss. 196.218 (3) and 196.859, and shall respond, subject to the protection of the commercial mobile radio service provider's competitive information, to all reasonable requests for information about its operations in this

state from the commission necessary to administer ss. 196.218 (3) and 196.859.

SECTION 2460r. 196.203 (1) of the statutes is amended to read:

196.203 (1) Alternative telecommunications utilities are exempt from all provisions of ch. 201 and this chapter, except as provided in this section, and except that an alternative telecommunications utility is subject to s. 196.025 (6), and except that an alternative telecommunications utility that is a local government telecommunications utility, as defined in s. 196.204 (5) (ag) 1., is subject to s. 196.204 (5).

SECTION 2460t. 196.203 (1) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

196.203 (1) Alternative telecommunications utilities are exempt from all provisions of ch. 201 and this chapter, except as provided in this section and except that an alternative telecommunications utility that is a local government telecommunications utility, as defined in s. 196.204 (5) (ag) 1., is subject to s. 196.204 (5).

SECTION 2461. 196.218 (3) (a) 3. b. of the statutes is amended to read:

196.218 (3) (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q) and (qm), and (r), 20.285 (1) (q), and 20.505 (4) (s), (t), (tm), (tu), and (tw).

SECTION 2463. 196.218 (5) (a) 13. of the statutes is created to read:

196.218 (5) (a) 13. To pay the costs of library service contracts under s. 43.03 (6) and (7).

SECTION 2463m. 196.31 (2m) of the statutes is created to read:

196.31 (2m) From the appropriation under s. 20.155 (1) (j), the commission shall make an annual grant of \$300,000 to a nonstock, nonprofit corporation that is described under section 501 (c) (3) of the Internal Revenue Code, and that has a history of advocating on behalf of residential ratepayers for affordable rates, for the purpose of offsetting the general expenses of the corporation, including salary, benefit, rent, and utility expenses.

SECTION 2475k. 196.499 (1) (intro.) of the statutes is amended to read:

196.499 (1) SCOPE. (intro.) Notwithstanding any other provisions of this chapter, a telecommunications carrier is not subject to regulation under this chapter, except for s. 196.025 (6), and except under each of the following provisions:

SECTION 2475L. 196.499 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

196.499 (1) SCOPE. (intro.) Notwithstanding any other provisions of this chapter, a telecommunications carrier is not subject to regulation under this chapter, except under each of the following provisions:

SECTION 2476. 196.859 of the statutes is created to read:

196.859 Assessment for telecommunications utility trade practices. (1) The commission shall annually assess against telecommunications utilities the total of the amount appropriated under s. 20.115 (1) (jm).

(2) The commission shall assess a sum equal to the annual total amount under sub. (1) to telecommunications utilities in proportion to their gross operating revenues during the last calendar year. A telecommunications utility shall pay the assessment within 30 days after the bill has been mailed to the assessed telecommunications utility. The bill constitutes notice of the assessment and demand of payment. Payments shall be credited to the appropriation account under s. 20.115 (1) (jm).

(3) Section 196.85 (3) to (8), as it applies to assessments under s. 196.85 (1) or (2), applies to assessments under this section.

(4) A telecommunications utility may not recover the assessment under this section by billing a customer for the assessment on a separate line in a billing statement.

SECTION 2476m. 213.107 of the statutes is created to read:

213.107 State-sanctioned fire fighter service medal. If the board of directors of the State Fire Fighters Memorial submits to the secretary of administration a recommended design for a state-sanctioned medal honoring the service of the fire fighters of this state, the secretary shall review and may approve the design. If the secretary approves the design, the medal shall become the only state-sanctioned fire fighter service medal and the board of directors of the State Fire Fighters Memorial has the exclusive right to sell or authorize sale of the medal.

SECTION 2476nm. 214.40 (3) of the statutes is amended to read:

214.40 (3) A stock financial institution seeking to convert to a savings bank under s. 214.66 (1m) shall, before declaring a dividend on its capital stock, transfer not less than 50% of its net profits of the preceding half year to its paid-in surplus until it has paid-in surplus equal to 20% of capital stock.

SECTION 2476o. 214.66 (intro.) (except 214.66 (title)) of the statutes is renumbered 214.66 (1m) (intro.).

SECTION 2476p. 214.66 (1m) (title) of the statutes is created to read:

214.66 (1m) (title) FROM SAVINGS AND LOAN ASSOCIATION OR FEDERAL SAVINGS BANK.

SECTION 2476t. 214.66 (2) of the statutes is created to read:

214.66 (2) FROM CREDIT UNION. A credit union under ch. 186 may become a mutual savings bank by doing all of the following:

(a) Applying to the division for authority to organize as a mutual savings bank and satisfying all requirements under this chapter for organizing as a mutual savings bank.

(b) Satisfying all requirements under s. 186.314 (2) for conversion to a mutual savings bank.

(c) Recording the mutual savings bank's articles of incorporation in the county in which its home office is located.

SECTION 2477. 227.01 (13) (t) of the statutes is amended to read:

227.01 (13) (t) Ascertains and determines prevailing wage rates under ss. 66.0903, 66.0904, 103.49, 103.50, and 229.8275, except that any action or inaction which ascertains and determines prevailing wage rates under ss. 66.0903, 66.0904, 103.49, 103.50, and 229.8275 is subject to judicial review under s. 227.40.

SECTION 2478. 227.01 (13) (yL) of the statutes is created to read:

227.01 (13) (yL) Relates to administration of the southeast Wisconsin transit capital assistance program under s. 85.11.

SECTION 2478c. 227.01 (13) (zx) of the statutes is repealed.

SECTION 2478e. 227.01 (13) (zz) of the statutes is created to read:

227.01 (13) (zz) Adjusts motor vehicle liability limit amounts under s. 344.11.

SECTION 2480. 227.54 of the statutes is amended to read:

227.54 Stay of proceedings. The institution of the proceeding for review shall not stay enforcement of the agency decision. The reviewing court may order a stay upon such terms as it deems proper, except as otherwise provided in ss. 49.17 (7), 96.43 196.43, 253.06, and 448.02 (9).

SECTION 2481. 230.01 (3) of the statutes is amended to read:

230.01 (3) Nothing in this chapter shall be construed to either infringe upon or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

SECTION 2482. 230.03 (3) of the statutes is amended to read:

230.03 (3) "Agency" means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279. "Agency" does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

SECTION 2482m. 230.04 (17m) of the statutes is created to read:

230.04 (17m) Upon receiving notice from the department of corrections that a unit supervisor position in the division of adult institutions in the department of correc-

tions has become vacant, the director shall reclassify the position under s. 230.09 as a teacher position.

SECTION 2483. 230.04 (18) of the statutes is created to read:

230.04 (18) The director may provide any services and materials to agencies and may charge the agencies for providing the services and materials. The director shall establish by rule a methodology for determining the costs of services and materials charged to state agencies under this subsection. All moneys received from the charges shall be deposited in the appropriation account under s. 20.545 (1) (k).

SECTION 2484. 230.046 (10) (a) of the statutes is amended to read:

230.046 (10) (a) Conduct off-the-job employee development and training programs relating to functions under this chapter or subch. V or VI of ch. 111.

SECTION 2485. 230.05 (9) of the statutes is created to read:

230.05 (9) The administrator may provide any services and materials to agencies and may charge the agencies for providing the services and materials. All moneys received from the charges shall be deposited in the appropriation account under s. 20.545 (1) (k).

SECTION 2487. 230.08 (2) (pd) of the statutes is amended to read:

230.08 (2) (pd) The chairperson of the parole earned release review commission.

SECTION 2488. 230.12 (3) (e) 1. of the statutes is amended to read:

230.12 (3) (e) 1. The director, after receiving recommendations from the board of regents, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employee benefits for employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining unit under subch. V or VI of ch. 111 for which a representative is certified. The proposal shall include the salary ranges and adjustments to the salary ranges for the university senior executive salary groups 1 and 2 established under s. 20.923 (4g). The proposal shall be based upon the competitive ability of the board of regents to recruit and retain qualified faculty and academic staff, data collected as to rates of pay for comparable work in other public services, universities and commercial and industrial establishments, recommendations of the board of regents and any special studies carried on as to the need for any changes in compensation and employee benefits to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies. The proposal for such pay adjustments may contain recommendations for across-the-board pay adjustments, merit or other adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments

for such employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit and adjustments other than across-the-board pay adjustments is available for discretionary use by the board of regents.

SECTION 2489. 230.35 (2d) (e) of the statutes is amended to read:

230.35 (2d) (e) For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a collective bargaining agreement.

SECTION 2490. 230.35 (3) (e) 6. of the statutes is amended to read:

230.35 (3) (e) 6. For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V or VI of ch. 111, this paragraph shall apply unless otherwise provided in a collective bargaining agreement.

SECTION 2490h. 230.44 (1) (i) of the statutes is created to read:

230.44 (1) (i) *Decisions affecting certain county employees by the department of children and families.* A decision of the department of children and families relating to a county employee under s. 49.826 (3) (b).

SECTION 2493. 230.88 (2) (b) of the statutes is amended to read:

230.88 (2) (b) No collective bargaining agreement supersedes the rights of an employee under this subchapter. However, nothing in this subchapter affects any right of an employee to pursue a grievance procedure under a collective bargaining agreement under subch. V or VI of ch. 111, and if the division of equal rights determines that a grievance arising under such a collective bargaining agreement involves the same parties and matters as a complaint under s. 230.85, it shall order the arbitrator's final award on the merits conclusive as to the rights of the parties to the complaint, on those matters determined in the arbitration which were at issue and upon which the determination necessarily depended.

SECTION 2505. 243.10 (1) (form) of the statutes is amended to read:

243.10 (1) (form)

**WISCONSIN BASIC POWER OF ATTORNEY
FOR FINANCES AND PROPERTY**

NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. BY SIGNING THIS DOCUMENT, YOU ARE NOT GIVING UP ANY POWERS OR RIGHTS TO CONTROL YOUR FINANCES AND PROPERTY YOURSELF. IN ADDITION TO YOUR OWN POWERS

AND RIGHTS, YOU ARE GIVING ANOTHER PERSON, YOUR AGENT, BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY. THIS BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY MAY GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY, WHICH MAY INCLUDE POWERS TO ENCUMBER, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST AFTER YOU BECOME DISABLED, OR INCAPACITATED, IF YOU CHOOSE THAT PROVISION. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF YOU OWN COMPLEX OR SPECIAL ASSETS SUCH AS A BUSINESS, OR IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN THIS FORM TO YOU BEFORE YOU SIGN IT.

IF YOU WISH TO CHANGE YOUR BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY, YOU MUST COMPLETE A NEW DOCUMENT AND REVOKE THIS ONE. YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN YOUR PRESENCE OR BY SIGNING A WRITTEN AND DATED STATEMENT EXPRESSING YOUR INTENT TO REVOKE THIS DOCUMENT. IF YOU REVOKE THIS DOCUMENT, YOU SHOULD NOTIFY YOUR AGENT AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY OF THE FORM. YOU ALSO SHOULD NOTIFY ALL PARTIES HAVING CUSTODY OF YOUR ASSETS. THESE PARTIES HAVE NO RESPONSIBILITY TO YOU UNLESS YOU ACTUALLY NOTIFY THEM OF THE REVOCATION. IF YOUR AGENT IS YOUR SPOUSE OR DOMESTIC PARTNER AND YOUR MARRIAGE IS ANNULLED, OR YOU ARE DIVORCED, OR THE DOMESTIC PARTNERSHIP IS TERMINATED AFTER SIGNING THIS DOCUMENT, THIS DOCUMENT IS INVALID.

SINCE SOME 3RD PARTIES OR SOME TRANSACTIONS MAY NOT PERMIT USE OF THIS DOCUMENT, IT IS ADVISABLE TO CHECK IN ADVANCE, IF POSSIBLE, FOR ANY SPECIAL REQUIREMENTS THAT MAY BE IMPOSED.

YOU SHOULD SIGN THIS FORM ONLY IF THE AGENT YOU NAME IS RELIABLE, TRUSTWORTHY AND COMPETENT TO MANAGE YOUR AFFAIRS.

I (insert your name and address) appoint (insert the name and address of the person appointed) as my agent to act for me in any lawful way with respect to the