

each of its affiliates that the affiliate agrees to be subject to the jurisdiction of the commissioner and the courts of this state for the purposes of this chapter. A governmental unit is not subject to this requirement. The commissioner may exempt other affiliates from this subsection.

(4) **INFORMATION ORDER.** The commissioner may, by order, require any permittee or any person attempting to acquire or having control of the permittee, to report information under sub. (1) or other information to the commissioner.

(5) **TRANSACTIONS WITH AFFILIATES.** Neither a permittee nor an affiliate of the permittee may enter into a transaction between the permittee and affiliate unless all of the following apply:

(a) The transaction at the time it is entered into is reasonable and fair to the interests of the permittee.

(b) The books, accounts, and records of each party to the transaction are kept in a manner that clearly and accurately discloses the nature and details of the transaction and, in accordance with generally accepted accounting principles, permits ascertainment of charges relating to the transaction.

(c) The permittee's financial condition following any dividends or distributions to shareholders or a person having control of the permittee is reasonable in relation to the permittee's outstanding liabilities and is adequate to its financial needs.

(d) The transaction complies with any other standard that the commissioner, after consulting with the department, prescribes by rule.

(6) **TRANSACTIONS SUBJECT TO DISCLOSURE.** (a) *Affiliated transactions to be reported.* 1. The commissioner, after consulting with the department, may promulgate rules requiring a permittee, a person attempting to acquire or having control of a permittee, and affiliates of a permittee to report a transaction or a group or series of transactions, if all of the following are satisfied:

a. The transaction is between a permittee and a person attempting to acquire or having control of the permittee or an affiliate of the permittee, or the transaction directly or indirectly benefits the person or affiliate.

b. The transaction is, or the group or series of transactions are, material to the permittee.

2. Transactions that are material to a permittee for the purposes of subd. 1. include management contracts, service contracts, and cost-sharing arrangements. The commissioner, after consulting with the department, may prescribe by rule standards for determining whether a transaction is material under this subsection.

3. No permittee, person attempting to acquire or having control of a permittee, or affiliate of the permittee may enter into a transaction required to be reported to the commissioner under this subsection unless the permittee, person, and affiliate report the transaction to the commissioner in the form and by the date before the effective date of the transaction that are prescribed by the commis-

sioner by rule, after consulting with the department. The commissioner may not require the transaction to be reported earlier than 30 days before the effective date of the transaction.

(b) *Disapproval.* The commissioner may, within the period prescribed in par. (a) 3., disapprove any transaction reported under par. (a) if the commissioner finds, after consulting with the department, that it would violate the law or would be contrary to the interests of enrollees of the permittee, the department, or the public.

(c) *Transactions prohibited.* No permittee, person attempting to acquire or having control of the permittee, or affiliate of the permittee may enter into a transaction that is not reported as required under par. (a) or that is disapproved by the commissioner under par. (b).

(d) *Voidable transactions.* If a permittee, person attempting to acquire or having control of the permittee, or affiliate enters into a transaction in violation of this section, the permittee may void the transaction, obtain an injunction, and recover from the person or affiliate the amount necessary to restore the permittee to its condition had the transaction not occurred. The commissioner may order a permittee to void the transaction, to commence an action against the person or affiliate, or to take other action.

(e) *Required financial conditions.* The commissioner, after consulting with the department, may promulgate rules for determining adequacy of financial condition under this section.

(f) *Exemption if permittee reports.* Paragraph (a) does not apply to a person attempting to acquire or having control of, or an affiliate of, a permittee, if the permittee reports on behalf of the person or on behalf of the affiliate, and the transaction is not disapproved by the commissioner under par. (b).

(7) **DIVIDENDS AND DISTRIBUTIONS.** (a) A permittee may not pay a dividend or distribution, and an affiliate of a permittee may not accept a dividend or distribution, unless the permittee reports the dividend or distribution to the commissioner at least 30 days before payment and the commissioner does not disapprove the dividend or distribution within that period.

(b) The commissioner, after consulting with the department, may promulgate rules under this section that do any of the following:

1. Prescribe the form and content of and procedure for filing reports under this subsection.

2. Exempt dividends or distributions from the reporting requirement under par. (a) under conditions that the commissioner determines will not jeopardize the financial condition of the permittee.

(c) A permittee may declare a dividend or distribution that is conditioned upon the permittee's compliance with this subsection. A declaration of a dividend or distribution under this subsection does not confer rights to the proposed recipient of the dividend or distribution

unless this subsection is complied with and is void if the dividend or distribution is disapproved by the commissioner under par. (a).

(d) In addition to any other remedies available, a permittee may recover from the recipient any dividend or distribution paid in violation of this subsection.

(8) **DUTIES OF OFFICERS AND DIRECTORS.** (a) No director or officer of a permittee or of an affiliate of a permittee may permit, participate in, or assent to a transaction or payment or acceptance of a dividend or distribution prohibited under this chapter.

(b) An officer or director of a permittee or of an affiliate of a permittee who knows, or reasonably should know, that the permittee or affiliate has entered into a transaction or paid a dividend or distribution that violates this chapter shall report the transaction, dividend, or distribution to the commissioner in writing within 30 days after attaining that knowledge. Section 648.15 (6) applies to a report under this section, and the report is confidential unless the commissioner finds it necessary to disclose the report for the purpose of enforcing this chapter.

648.50 Management changes. (1) **APPROVAL REQUIRED.** No proposed plan of merger or other plan for acquisition of control of a permittee may be executed unless the commissioner, after consulting with the department, approves the plan.

(2) **GROUND FOR APPROVAL.** The commissioner shall approve the plan under this section if the commissioner finds, after a hearing, that it would not violate the law or be contrary to the interests of the public, the department, or the enrollees.

(3) **INFORMATION REQUIRED.** A permittee shall report to the commissioner any changes in directors or principal officers after a permit is issued, together with biographical data on the new director or officer that the commissioner requires by rule.

648.55 Commissioner's summary orders. (1) The commissioner, after consulting with the department, may make and serve an order on a permittee, requiring it to stop providing services under the department contract, or to take corrective measures, without notice and before hearing, if it appears to the commissioner that irreparable harm to the property or business of the permittee or to the interests of its enrollees or the public, will occur unless the commissioner acts with immediate effect and one of the following applies:

(a) The permittee is not in compliance with a rule establishing standards for the financial condition of care management organizations.

(b) Grounds exist to suspend or revoke the permittee's permit.

(2) An order issued under this subsection is effective immediately.

(3) The permittee has the rights provided under s. 601.62. The commissioner may serve upon the permittee

notice of hearing under the procedures under s. 601.62 simultaneously with service of the order under sub. (1).

(4) The commissioner may keep proceedings under this section confidential.

648.65 Enrollee immunity. (1) **IMMUNITY.** An enrollee of a care management organization is not liable for health care, service, equipment, or supply charges that are covered under the care management organization's contract with the department.

(2) **PROHIBITED RECOVERY ATTEMPTS.** No person may bill, charge, collect a deposit from, seek compensation from, file or threaten to file with a credit reporting agency with respect to, or have any recourse against an enrollee or any person acting on the enrollee's behalf, for any health care, service, equipment, or supply charges for which the enrollee or person acting on his or her behalf is not liable under sub. (1).

(3) **IMMUNITY NOT AFFECTED.** The immunity of an enrollee under subs. (1) and (2) is not affected by any of the following:

(a) A breach or default on an agreement by the care management organization or the failure of any person to compensate the provider.

(b) The insolvency of the care management organization or any person contracting with the care management organization or the commencement or the existence of conditions permitting the commencement of insolvency, delinquency, or bankruptcy proceedings involving the care management organization or other person, regardless of whether the care management organization or other person has agreed to compensate, directly or indirectly, the provider for health care, services, equipment, or supplies for which the enrollee is not liable under sub. (1)

(c) The inability of the provider or other person who is owed compensation for health care, services, equipment, or supplies to obtain compensation from the care management organization.

648.75 Insolvency funding. (1) **DEPOSIT REQUIRED.** A permittee shall deposit an amount established by the contract with the department, and not less than \$250,000, using the procedures under s. 601.13.

(2) **RELEASE OF DEPOSIT.** A deposit under this section may be released only with the approval of the commissioner, after consulting with the department, by the procedures under s. 601.13 (10) and only in one of the following circumstances:

(a) To pay an assessment under sub. (3).

(b) To pay creditors of the permittee according to the priority determined by the department if the permittee is insolvent, dissolves, or is subject to an insolvency proceeding, including a bankruptcy proceeding.

(3) **ASSESSMENT.** The department may assess an amount from each permittee's deposit for the purpose of funding arrangements for, or to pay expenses related to, services for enrollees of an insolvent or financially haz-

ardous permittee. The department's assessment shall be allocated to each permittee's deposit in an amount that reflects the permittee's proportionate share of projected enrollment in the department's annual contracting period. The commissioner may authorize release, and the department of administration shall pay to the department the assessed amount for the purposes of this subsection.

(4) RESTORATION. A permittee shall restore its deposit that is subject to an assessment under sub. (3) within 30 days after the assessment, unless the office, after consulting with the department, authorizes a longer period, which shall not exceed 2 years.

(5) RECOVERY. The department may recover, and may file a claim or bring civil action to recover, from the insolvent or financially hazardous permittee any amount that the department assesses and pays under sub. (3). Any amount recovered shall be restored to each permittee's deposit in the same proportion as the assessment.

SECTION 3200. 700.19 (2m) of the statutes is created to read:

700.19 (2m) DOMESTIC PARTNERS. If persons named as owners in a document of title, transferees in an instrument of transfer, or buyers in a bill of sale are described in the document, instrument, or bill of sale as domestic partners under ch. 770, or are in fact domestic partners under ch. 770, they are joint tenants, unless the intent to create a tenancy in common is expressed in the document, instrument, or bill of sale.

SECTION 3202. 704.31 (3) of the statutes is amended to read:

704.31 (3) This section does not apply to a lease to which a local professional baseball park district created under subch. III of ch. 229, the Wisconsin Quality Home Care Authority, or the Fox River Navigational System Authority is a party.

SECTION 3203m. 757.05 (1) (a) of the statutes is amended to read:

757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility violation under s. 344.62 (2), or 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 state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole

or in part, the penalty surcharge shall be reduced in proportion to the suspension.

SECTION 3205. 758.19 (8) (a) (intro.) of the statutes is amended to read:

758.19 (8) (a) (intro.) From the appropriation under s. 20.625 (1) (c), the director of state courts shall reimburse counties up to 4 times each year for the actual expenses paid for interpreters required by circuit courts to assist persons with limited English proficiency under s. 885.38 (8) (a) 1. ~~The amount of the reimbursement for mileage shall be 20 cents per mile going and returning from his or her residence if within the state; or, if without the state, from the point where he or she crosses the state boundary to the place of attendance, and returning by the usually traveled route between such points.~~ The amount of the maximum hourly reimbursement for court interpreters shall be as follows:

SECTION 3205r. 765.08 (2) of the statutes is amended to read:

765.08 (2) The county clerk may, at his or her discretion, issue a marriage license within less than 5 days after application if the applicant pays an additional fee of not more than ~~\$40~~ \$25 to cover any increased processing cost incurred by the county. The county clerk shall pay this fee into the county treasury.

SECTION 3209. 767.41 (3) (c) of the statutes is amended to read:

767.41 (3) (c) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (b). At least 10 days before the date of the hearing, the court shall provide notice of the time, date, and purpose of the hearing to the agency that prepared the report, the child's parents, the child, if he or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent~~ or the operator of the facility in which the child is living.

SECTION 3211p. 767.57 (1) (d) of the statutes is created to read:

767.57 (1) (d) The department or its designee shall offer to every individual to whom child support or family support payments are disbursed under this section the option to receive a paper statement of account that will be sent to the individual whenever money is received on behalf of or disbursed to the individual under this section. The department or its designee may not charge an individual a fee for providing the statements of account.

SECTION 3218. Chapter 770 of the statutes is created to read:

CHAPTER 770

DOMESTIC PARTNERSHIP

770.001 Declaration of policy. The legislature finds that it is in the interests of the citizens of this state to establish and provide the parameters for a legal status of domestic partnership. The legislature further finds that the legal status of domestic partnership as established in

this chapter is not substantially similar to that of marriage. Nothing in this chapter shall be construed as inconsistent with or a violation of article XIII, section 13, of the Wisconsin Constitution.

770.01 Definitions. In this chapter:

(1) "Domestic partner" means an individual who has signed and filed a declaration of domestic partnership in the office of the register of deeds of the county in which he or she resides.

(2) "Domestic partnership" means the legal relationship that is formed between 2 individuals under this chapter.

770.05 Criteria for forming a domestic partnership. Two individuals may form a domestic partnership if they satisfy all of the following criteria:

(1) Each individual is at least 18 years old and capable of consenting to the domestic partnership.

(2) Neither individual is married to, or in a domestic partnership with, another individual.

(3) The 2 individuals share a common residence. Two individuals may share a common residence even if any of the following applies:

(a) Only one of the individuals has legal ownership of the residence.

(b) One or both of the individuals have one or more additional residences not shared with the other individual.

(c) One of the individuals leaves the common residence with the intent to return.

(4) The 2 individuals are not nearer of kin to each other than 2nd cousins, whether of the whole or half blood or by adoption.

(5) The individuals are members of the same sex.

770.07 Application and declaration. (1) (a) Individuals who wish to form a domestic partnership shall apply on or after the 31st day beginning after the effective date of this paragraph [LRB inserts date], for a declaration of domestic partnership to the county clerk of the county in which at least one of the individuals has resided for at least 30 days immediately before applying.

(b) 1. Except as provided in subd. 2., the county clerk may not issue a declaration of domestic partnership until at least 5 days after receiving the application for the declaration of domestic partnership.

2. The county clerk may, at his or her discretion, issue a declaration of domestic partnership less than 5 days after application if the applicant pays an additional fee of not more than \$10 to cover any increased processing cost incurred by the county. The county clerk shall pay this fee into the county treasury.

(c) No declaration of domestic partnership may be issued unless the application for it is subscribed to by the parties intending to form the domestic partnership; it contains the social security number of each party who has a social security number; and it is filed with the clerk who issues the declaration of domestic partnership.

(d) 1. Each party shall present satisfactory, documentary proof of identification and residence and shall swear, or affirm, to the application before the clerk who is to issue the declaration of domestic partnership. In addition to the social security number of each party who has a social security number, the application shall contain such informational items as the state registrar of vital statistics directs. The portion of the application form that is collected for statistical purposes only shall indicate that the address of an applicant may be provided by a county clerk to a law enforcement officer under the conditions specified under s. 770.18 (2).

2. Each applicant shall exhibit to the clerk a certified copy of a birth certificate, and each applicant shall submit a copy of any judgment, certificate of termination of domestic partnership, or death certificate affecting the domestic partnership status. If any applicable birth certificate, death certificate, notice of termination of domestic partnership, or judgment is unobtainable, other satisfactory documentary proof may be presented instead. Whenever the clerk is not satisfied with the documentary proof presented, he or she shall submit the proof, for an opinion as to its sufficiency, to a judge of a court of record in the county of application.

(2) If sub. (1) and s. 770.05 are complied with, the county clerk shall issue a declaration of domestic partnership. With each declaration of domestic partnership the county clerk shall provide a pamphlet describing the causes and effects of fetal alcohol syndrome. After the application for the declaration of domestic partnership is filed, the clerk shall, upon the sworn statement of either of the applicants, correct any erroneous, false, or insufficient statement in the application that comes to the clerk's attention and shall notify the other applicant of the correction, as soon as reasonably possible.

770.10 Completion and filing of declaration. In order to form the legal status of domestic partners, the individuals shall complete the declaration of domestic partnership, sign the declaration, having their signatures acknowledged before a notary, and submit the declaration to the register of deeds of the county in which they reside. The register of deeds shall record the declaration and forward the original to the state registrar of vital statistics.

770.12 Terminating a domestic partnership. (1) (a) A domestic partner may terminate the domestic partnership by filing a completed notice of termination of domestic partnership form with the county clerk who issued the declaration of domestic partnership and paying the fee under s. 770.17. The notice must be signed by one or both domestic partners and notarized.

(b) If the notice under par. (a) is signed by only one of the domestic partners, that individual must also file with the county clerk an affidavit stating either of the following:

1. That the other domestic partner has been served in writing, in the manner provided under s. 801.11, that a notice of termination of domestic partnership is being filed with the county clerk.

2. That the domestic partner seeking termination has been unable to locate the other domestic partner after making reasonable efforts and that notice to the other domestic partner has been made by publication as provided in sub. (2).

(2) If a domestic partner who is seeking to terminate the domestic partnership is unable to find the other domestic partner after making reasonable efforts, the domestic partner seeking termination may provide notice by publication in a newspaper of general circulation in the county in which the residence most recently shared by the domestic partners is located. The notice need not be published more than one time.

(3) Upon receiving a completed, signed, and notarized notice of termination of domestic partnership, the affidavit under sub. (1) (b) if required, and the fee under s. 770.17, the county clerk shall issue to the domestic partner filing the notice of termination a certificate of termination of domestic partnership. The domestic partner shall submit the certificate of termination of domestic partnership to the register of deeds of the county in which the declaration of domestic partnership is recorded. The register of deeds shall record the certificate and forward the original to the state registrar of vital statistics.

(4) (a) Except as provided in par. (b), the termination of a domestic partnership is effective 90 days after the certificate of termination of domestic partnership is recorded under sub. (3).

(b) If a party to a domestic partnership enters into a marriage that is recognized as valid in this state, the domestic partnership is automatically terminated on the date of the marriage.

770.15 Forms. (1) The application and declaration of domestic partnership under s. 770.07 and the notice of termination of domestic partnership and certificate of termination of domestic partnership under s. 770.12 shall contain such information as the state registrar of vital statistics determines is necessary. The form for the declaration of domestic partnership shall require both individuals forming a domestic partnership to sign the form and attest to satisfying all of the criteria under s. 770.05 (1) to (5).

(2) The state registrar of vital statistics shall prepare the forms under sub. (1) and distribute the forms in sufficient quantities to each county clerk.

770.17 Fees to county clerk. Each county clerk shall receive as a fee for each declaration of domestic partnership issued and for each certificate of termination of domestic partnership issued the same amount that the clerk receives for issuing a marriage license under s. 765.15. Of the amount that the clerk receives under this section, the clerk shall pay into the state treasury the same

amount that the clerk pays into the state treasury from the fee collected for issuing a marriage license. The remainder shall become a part of the funds of the county. For each declaration of domestic partnership issued and for each certificate of termination of domestic partnership issued, the clerk shall also receive a standard notary fee in the same amount that the clerk receives as a standard notary fee in connection with issuing a marriage license and that may be retained by the clerk if the clerk is operating on a fee or part-fee basis but which otherwise shall become part of the funds of the county.

770.18 Records. (1) The county clerk shall keep among the records in the office a suitable book called the declaration of domestic partnership docket and shall enter therein a complete record of the applications for and the issuing of all declarations of domestic partnership, and of all other matters which the clerk is required by this chapter to ascertain related to the rights of any person to obtain a declaration of domestic partnership. An application may be recorded by entering into the docket the completed application form, with any portion collected only for statistical purposes removed. The declaration of domestic partnership docket shall be open for public inspection or examination at all times during office hours.

(2) A county clerk may provide the name of a declaration of domestic partnership applicant and, from the portion of the application form that is collected for statistical purposes, as specified under sub. (1), may provide the address of the declaration of domestic partnership applicant to a law enforcement officer, as defined in s. 51.01 (11). A county clerk shall provide the name and, if it is available, the address, to a law enforcement officer who requests, in writing, the name and address for the performance of an investigation or the service of a warrant. If a county clerk has not destroyed the portion of the declaration of domestic partnership application form that is collected for statistical purposes, he or she shall keep the information on the portion confidential, except as authorized under this subsection. If a written request is made by a law enforcement officer under this subsection, the county clerk shall keep the request with the declaration of domestic partnership application form. If the county clerk destroys the declaration of domestic partnership application form, he or she shall also destroy the written request.

SECTION 3221. 786.37 (3) of the statutes is amended to read:

786.37 (3) This section does not apply to the name change of a minor if the parental rights to the minor of both parents have been terminated, guardianship and legal custody of the minor have been transferred under subch. VIII of ch. 48, the minor has been placed in a permanent foster home or a permanent treatment foster home, and the guardian and legal custodian of the minor have petitioned to change the minor's name to the name

or names of the minor's foster parents or ~~treatment foster parents~~.

SECTION 3221d. 799.41 of the statutes is renumbered 799.41 (1).

SECTION 3221e. 799.41 (2) of the statutes is created to read:

799.41 (2) If the eviction seeks to remove a tenant whose tenancy is terminated as the result of a foreclosure judgment and sale under s. 708.02, the complaint shall identify the action as an eviction of the tenant due to a foreclosure action.

SECTION 3222. 801.50 (5) of the statutes is amended to read:

801.50 (5) Venue of an action for certiorari to review a probation, extended supervision, or parole revocation, a denial by ~~a program review committee~~ the earned release review commission under s. ~~302.113 (9g)~~ 302.1135 (5) of a petition for modification of a bifurcated sentence, or a refusal of parole shall be the county in which the relator was last convicted of an offense for which the relator was on probation, extended supervision, or parole or for which the relator is currently incarcerated.

SECTION 3222g. 802.03 (9) of the statutes is created to read:

802.03 (9) FORECLOSURE. In an action for foreclosure of real property, the complaint may not name a tenant of residential real property as a defendant unless the tenant has a lien or ownership interest in the real property.

SECTION 3224. 806.11 (1) (intro.) of the statutes is amended to read:

806.11 (1) (intro.) At the time of filing the warrant provided by s. 71.74 (14) or 71.91 (5), or 71.93 (8) (b) 5., the clerk of circuit court shall enter the warrant in the judgment and lien docket, including:

SECTION 3225. 806.11 (2) of the statutes is amended to read:

806.11 (2) If a warrant provided by s. 71.74 (14) or 71.91 (5), or 71.93 (8) (b) 5. is against several persons, the warrant shall be entered, in accordance with the procedure under sub. (1), in the judgment and lien docket under the name of each person against whom the warrant was issued.

SECTION 3226. 806.115 of the statutes is amended to read:

806.115 Filing of duplicate copy of warrant. The department of revenue may file in any county a duplicate copy of a warrant filed under s. 71.74 (14) or 71.91 (5), or 71.93 (8) (b) 5. and the clerk of circuit court shall enter the duplicate copy on the judgment and lien docket as provided in s. 806.11. When so entered, the duplicate copy shall have the same legal effect as the warrant filed under s. 71.91 (5).

SECTION 3227. 809.105 (13) of the statutes is amended to read:

809.105 (13) CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or guardian or legal custodian, if one has been appointed, or foster parent or ~~treatment foster parent~~, if the minor has been placed in a foster home or ~~treatment foster home~~, and the minor's parent has signed a waiver granting the department of children and families, a county department under s. 46.215, 46.22, or 46.23, ~~the foster parent~~ or the ~~treatment~~ foster parent the authority to consent to medical services or treatment on behalf of the minor, or adult family member, as defined in s. 48.375 (2) (b), of any minor who has initiated an appeal under this section may attend or intervene in any proceeding under this section.

SECTION 3228. 809.30 (1) (c) of the statutes is amended to read:

809.30 (1) (c) "Postconviction relief" means an appeal or a motion for postconviction relief in a criminal case, other than an appeal, motion, or petition under ss. 302.113 (7m), ~~302.113 (9g)~~ 302.1135, 973.19, 973.195, 974.06, or 974.07 (2). In a ch. 980 case, the term means an appeal or a motion for postcommitment relief under s. 980.038 (4).

SECTION 3231. 812.44 (5) (form) 2. of the statutes is amended to read:

812.44 (5) (form) 2. ~~(5) (form) paragraph 2.~~ I receive, am eligible for, or have within 6 months received, aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under section 59.53 (21) of the Wisconsin Statutes, medical assistance, supplemental security income, food stamps, or veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes.

SECTION 3232r. 814.61 (5) (intro.) of the statutes is amended to read:

814.61 (5) JUDGMENTS, WRITS, EXECUTIONS, LIENS, WARRANTS, AWARDS, CERTIFICATES. (intro.) The clerk shall collect a fee of ~~\$5~~ \$10 for the following:

SECTION 3233c. 814.63 (1) (c) of the statutes is amended to read:

814.63 (1) (c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), 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 under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m).

SECTION 3233e. 814.63 (2) of the statutes is amended to read:

814.63 (2) Upon the disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protec-

tion and rehabilitation district ordinance, except for an action 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, for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of \$5 to the clerk of circuit court.

SECTION 3233r. 814.65 (1) of the statutes is amended to read:

814.65 (1) COURT COSTS. In a municipal court action, except for an action 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, for a financial responsibility violation under s. 344.62 (2), or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than \$15 nor more than \$28 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly \$5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

SECTION 3234. 814.67 (1) (c) of the statutes is renumbered 814.67 (1) (c) (intro.) and amended to read:

814.67 (1) (c) (intro.) For traveling, ~~at the rate of 20 cents per mile~~ going and returning from his or her residence if within the state; or, if without the state, from the point where he or she crosses the state boundary to the place of attendance, and returning by the usually traveled route between such points:-

SECTION 3235. 814.67 (1) (c) 1. of the statutes is created to read:

814.67 (1) (c) 1. For witnesses, the rate of 20 cents per mile.

SECTION 3236. 814.67 (1) (c) 2. of the statutes is created to read:

814.67 (1) (c) 2. For interpreters, the mileage rate set under s. 20.916 (8).

SECTION 3237. 814.75 (22m) of the statutes is amended to read:

814.75 (22m) The supplemental food enforcement surcharge under s. ~~49.17 253.06~~ (4) (c).

SECTION 3238. 814.76 (15m) of the statutes is amended to read:

814.76 (15m) The supplemental food enforcement surcharge under s. ~~49.17 253.06~~ (4) (c).

SECTION 3239. 814.80 (11) of the statutes is amended to read:

814.80 (11) The supplemental food enforcement surcharge under s. ~~49.17 253.06~~ (4) (c).

SECTION 3239m. 814.85 (1) (a) of the statutes is amended to read:

814.85 (1) (a) Except for an action 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, for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$68 court support services surcharge from any person, including any governmental unit as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am) or 814.63 (1).

SECTION 3240. 814.86 (1) of the statutes is amended to read:

814.86 (1) Except for an action 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 under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~\$12~~ \$21.50 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

SECTION 3240m. 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

814.86 (1) Except for an action 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, for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a \$21.50 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

SECTION 3241. 823.08 (2) (b) of the statutes is amended to read:

823.08 (2) (b) "Agricultural use" has the meaning given in s. 91.01 (4) (2).

SECTION 3242. 846.04 (1) of the statutes is amended to read:

846.04 (1) The plaintiff may, in the complaint, demand judgment for any deficiency that may remain due the plaintiff after sale of the mortgaged premises against every party who is personally liable for the debt secured by the mortgage. Judgment may be rendered for any deficiency remaining after applying the proceeds of sale to the amount due. The judgment for deficiency shall be ordered in the original judgment and separately rendered against the party liable on or after the confirmation of sale. The judgment for deficiency shall be entered in the judgment and lien docket and, except as provided in subs. (2) and (3), enforced as in other cases. A mortgage foreclosure deficiency judgment entered on or after October 14, 1997, on property devoted primarily to under agricultural use, as defined in s. 91.01 ~~(5)~~, on and after October 14, 1997, (2), for at least 12 consecutive months during the preceding 36-month period shall be recorded as an agriculture judgment.

SECTION 3243. 846.04 (2) of the statutes is amended to read:

846.04 (2) Except as provided in sub. (3), if a mortgage foreclosure deficiency judgment is entered on property devoted primarily to under agricultural use, as defined in s. 91.01 ~~(5)~~, (2), for at least 12 consecutive months during the preceding 36-month period, an action on the deficiency judgment shall be commenced within 10 years after the date on which the mortgage foreclosure deficiency judgment is entered or be barred.

SECTION 3243c. 846.35 (1) (c) of the statutes, as created by 2009 Wisconsin Act 2, is renumbered 846.35 (6) and amended to read:

846.35 (6) PENALTIES. If a plaintiff fails to provide a notice under par. (a) in accordance with pars. (a) and (b), or fails to comply with sub. (5), the court shall award the tenant to whom the notice should have been given or who should not have named as a defendant \$250 in damages, plus reasonable attorney fees. A tenant may not recover under this paragraph for more than one notice violation.

SECTION 3243e. 846.35 (4) of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 3243f. 846.35 (5) of the statutes is created to read:

846.35 (5) TENANT NOT NAMED IN COMPLAINT. In an action for foreclosure of residential real property, the complaint may not name a tenant as a defendant unless the tenant has a lien or ownership interest in the real property.

SECTION 3244. 851.08 of the statutes is created to read:

851.08 Domestic partner. "Domestic partner" has the meaning given in s. 770.01 (1) and "domestic partnership" has the meaning given in s. 770.01 (2).

SECTION 3245. 851.17 of the statutes is amended to read:

851.17 Net estate. "Net estate" means all property subject to administration less the property selected by the

surviving spouse or surviving domestic partner under s. 861.33, the allowances made by the court under ss. 861.31, 861.35 and 861.41 except as those allowances are charged by the court against the intestate share of the recipient, administration, funeral and burial expenses, the amount of claims paid and federal and state estate taxes payable out of such property.

SECTION 3246. 851.295 of the statutes is created to read:

851.295 Surviving domestic partner. "Surviving domestic partner" means a person who was in a domestic partnership under ch. 770 with the decedent, at the time of the decedent's death.

SECTION 3247. 852.01 (1) (a) (intro.), 1. and 2. (intro.) and b., (b), (c), (d) and (f) (intro.) of the statutes are amended to read:

852.01 (1) (a) (intro.) To the spouse or domestic partner:

1. If there are no surviving issue of the decedent, or if the surviving issue are all issue of the surviving spouse or surviving domestic partner and the decedent, the entire estate.

2. (intro.) If there are surviving issue one or more of whom are not issue of the surviving spouse or surviving domestic partner, one-half of decedent's property other than the following property:

b. The decedent's interest in property held equally and exclusively with the surviving spouse or surviving domestic partner as tenants in common.

(b) To the issue, per stirpes, the share of the estate not passing to the spouse or surviving domestic partner, under par. (a), or the entire estate if there is no surviving spouse or surviving domestic partner.

(c) If there is no surviving spouse, surviving domestic partner, or issue, to the parents.

(d) If there is no surviving spouse, surviving domestic partner, issue, or parent, to the brothers and sisters and the issue of any deceased brother or sister per stirpes.

(f) (intro.) If there is no surviving spouse, surviving domestic partner, issue, parent, or issue of a parent, to the grandparents and their issue as follows:

SECTION 3248. 852.09 of the statutes is amended to read:

852.09 Assignment of home to surviving spouse or surviving domestic partner. If the intestate estate includes an interest in a home, assignment of that interest to the surviving spouse or surviving domestic partner is governed by s. 861.21.

SECTION 3249. 853.11 (2m) and (3) of the statutes are amended to read:

853.11 (2m) PREMARITAL OR PREDOMESTIC PARTNERSHIP WILL. Entitlements of a surviving spouse or surviving domestic partner under a decedent's will that was executed before marriage to the surviving spouse or before recording of the domestic partnership under ch. 770 are governed by s. 853.12.

(3) TRANSFER TO FORMER SPOUSE OR FORMER DOMESTIC PARTNER. A transfer under a will to a former spouse or former domestic partner is governed by s. 854.15.

SECTION 3250. 853.12 (title) of the statutes is amended to read:

853.12 (title) Premarital will or predomestic partnership will.

SECTION 3251. 853.12 (1), (2) (intro.) and (a), (3) (a) and (b) and (4) (a) of the statutes are amended to read:

853.12 (1) ENTITLEMENT OF SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER. Subject to sub. (3), if the testator married the surviving spouse or recorded a domestic partnership under ch. 770 with the surviving domestic partner after the testator executed his or her will, the surviving spouse or surviving domestic partner is entitled to a share of the probate estate.

(2) VALUE OF SHARE. (intro.) The value of the share under sub. (1) is the value of the share that the surviving spouse or surviving domestic partner would have received had the testator died with an intestate estate equal to the value of the testator's net estate, but the value of the net estate shall first be reduced by the value of all of the following:

(a) All devises to or for the benefit of the testator's children who were born before the marriage to the surviving spouse or the domestic partnership with the surviving domestic partner and who are not also the children of the surviving spouse or surviving domestic partner.

(3) (a) It appears from the will or other evidence that the will was made in contemplation of the testator's marriage to the surviving spouse or domestic partnership with the surviving domestic partner.

(b) It appears from the will or other evidence that the will is intended to be effective notwithstanding any subsequent marriage or domestic partnership, or there is sufficient evidence that the testator considered revising the will after marriage or domestic partnership but decided not to.

(4) (a) Amounts received by the surviving spouse under s. 861.02 and devises made by will to the surviving spouse or surviving domestic partner are applied first.

SECTION 3252. 854.15 (title) of the statutes is amended to read:

854.15 (title) Revocation of provisions in favor of former spouse or former domestic partner.

SECTION 3253. 854.15 (1) (b) of the statutes is renumbered 854.15 (1) (b) (intro.) and amended to read:

854.15 (1) (b) (intro.) "Divorce, annulment or similar event" means any of the following:

1. A divorce, ~~any~~ annulment, or ~~any~~ other event or proceeding that would exclude a spouse as a surviving spouse under s. 851.30.

SECTION 3254. 854.15 (1) (b) 2. of the statutes is created to read:

854.15 (1) (b) 2. A termination of a domestic partnership or other event or proceeding that would exclude a person as a surviving domestic partner under s. 851.295.

SECTION 3255. 854.15 (1) (c) of the statutes is amended to read:

854.15 (1) (c) "Former spouse" means a person whose marriage to the decedent or domestic partnership with the decedent has been the subject of a divorce, annulment or similar event.

SECTION 3256. 854.15 (5) (am) 5. of the statutes is amended to read:

854.15 (5) (am) 5. The decedent and the former spouse have remarried or entered into a new domestic partnership before the death of the decedent.

SECTION 3257. 859.25 (1) (g) of the statutes is amended to read:

859.25 (1) (g) Property assigned to the surviving spouse or surviving domestic partner under s. 861.41.

SECTION 3258. 861.21 (title) of the statutes is amended to read:

861.21 (title) Assignment of home to surviving spouse or surviving domestic partner.

SECTION 3259. 861.21 (1) (b) of the statutes is amended to read:

861.21 (1) (b) "Home" means any dwelling in which the decedent had an interest and that at the time of the decedent's death the surviving spouse or surviving domestic partner occupies or intends to occupy. If there are several such dwellings, any one may be designated by the surviving spouse or surviving domestic partner. "Home" includes a house, a mobile home, a manufactured home, a duplex or multiple apartment building one unit of which is occupied by the surviving spouse or surviving domestic partner and a building used in part for a dwelling and in part for commercial or business purposes. "Home" includes all of the surrounding land, unless the court sets off part of the land as severable from the remaining land under sub. (5).

SECTION 3260. 861.21 (2), (4) and (5) of the statutes are amended to read:

861.21 (2) DECEDENT'S PROPERTY INTEREST IN HOME. Subject to subs. (4) and (5), if a married decedent or decedent in a domestic partnership has a property interest in a home, the decedent's entire interest in the home shall be assigned to the surviving spouse or surviving domestic partner if the surviving spouse or surviving domestic partner petitions the court requesting such a distribution and if a governing instrument does not provide a specific transfer of the decedent's interest in the home to someone other than the surviving spouse or surviving domestic partner. The surviving spouse or surviving domestic partner shall file the petition within 6 months after the decedent's death, unless the court extends the time for filing.

(4) PAYMENT BY SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER. The court shall assign the interest in the home under sub. (2) to the surviving spouse or surviving domestic partner upon payment of the value of the decedent's interest in the home that does not pass to the surviving spouse or surviving domestic partner under intestacy or under a governing instrument. Payment shall be made to the fiduciary holding title to the interest. The surviving spouse or surviving domestic partner may use assets due him or her from the fiduciary to satisfy all or part of the payment in kind. Unless the court extends the time, the surviving spouse or surviving domestic partner shall have one year from the decedent's death to pay the value of the assigned interest.

(5) SEVERANCE OF HOME FROM SURROUNDING LAND. On petition of the surviving spouse or surviving domestic partner or of any interested person that part of the land is not necessary for dwelling purposes and that it would be inappropriate to assign all of the surrounding land as the home under sub. (2), the court may set off for the home as much of the land as is necessary for a dwelling. In determining how much land should be set off, the court shall take into account the use and marketability of the parcels set off as the home and the remaining land.

SECTION 3261. 861.31 (1m), (2) and (4) (intro.) and (b) of the statutes are amended to read:

861.31 (1m) The court may, without notice or on such notice as the court directs, order payment by the personal representative or special administrator of an allowance as the court determines necessary or appropriate for the support of the surviving spouse or surviving domestic partner and any minor children of the decedent during the administration of the estate. The court shall consider the size of the probate estate, other resources available for support, the existing standard of living, and any other factors it considers relevant.

(2) The court may order that an allowance be made to the spouse or surviving domestic partner for support of the spouse or surviving domestic partner and any minor children of the decedent, or that separate allowances be made to the spouse or surviving domestic partner and to the minor children of the decedent or their guardian, if any, if the court finds separate allowances advisable. If there is no surviving spouse or surviving domestic partner, the court may order that an allowance be made to the minor children of the decedent or to their guardian, if any.

(4) (intro.) The court may order that the allowance be charged against income or principal, either as an advance or otherwise, but the court may not order that an allowance for support of minor children of the decedent be charged against the income or principal interest of the surviving spouse or surviving domestic partner. The court may order that the allowance for support of the surviving spouse or surviving domestic partner, not including any allowance for support of minor children of the

decedent, be applied in satisfaction of any of the following:

(b) Any right of the surviving spouse or surviving domestic partner to elect under s. 861.02.

SECTION 3262. 861.33 (title) of the statutes is amended to read:

861.33 (title) Selection of personalty by surviving spouse or surviving domestic partner.

SECTION 3263. 861.33 (1) (a) (intro.) and 1. and (b) of the statutes are amended to read:

861.33 (1) (a) (intro.) Subject to this section, in addition to all allowances and distributions, the surviving spouse or surviving domestic partner may file with the court a written selection of the following personal property, which shall then be transferred to the spouse or domestic partner by the personal representative:

1. Wearing apparel and jewelry held for personal use by the decedent or the surviving spouse or surviving domestic partner;

(b) The selection in par. (a) may not include items specifically bequeathed except that the surviving spouse or surviving domestic partner may in every case select the normal household furniture, furnishings, and appliances necessary to maintain the home. For this purpose antiques, family heirlooms, and collections that are specifically bequeathed are not classifiable as normal household furniture or furnishings.

SECTION 3264. 861.35 (title) of the statutes is amended to read:

861.35 (title) Special allowance for support of spouse or domestic partner and support and education of minor children.

SECTION 3265. 861.35 (1m), (2), (3) (a) and (4) of the statutes are amended to read:

861.35 (1m) If the decedent is survived by a spouse, domestic partner, or by minor children, the court may order an allowance for the support and education of each minor child until he or she reaches a specified age, not to exceed 18, and for the support of the spouse or domestic partner. This allowance may be made whether the estate is testate or intestate. If the decedent is not survived by a spouse or domestic partner, the court also may allot directly to the minor children household furniture, furnishings, and appliances. The court may not order an allowance under this section if any of the following applies:

(a) The decedent has amply provided for each minor child and for the spouse or domestic partner by the transfer of probate or nonprobate assets, or support and education have been provided for by any other means.

(b) In the case of minor children, the surviving spouse or surviving domestic partner is legally responsible for support and education and has ample means to provide them in addition to his or her own support.

(c) In the case of the surviving spouse or surviving domestic partner, he or she has ample means to provide for his or her support.

(2) The court may set aside property to provide an allowance and may appoint a trustee to administer the property, subject to the continuing jurisdiction of the court. If a child dies or reaches the age of 18, or if at any time the property held by the trustee is no longer required for the support of the spouse or domestic partner or the support and education of the minor child, any remaining property is to be distributed by the trustee as the court orders in accordance with the terms of the decedent's will or to the heirs of the decedent in intestacy or to satisfy unpaid claims of the decedent's estate.

(3) (a) The effect on claims under s. 859.25. The court shall balance the needs of the spouse, domestic partner, or minor children against the nature of the creditors' claims in setting the amount allowed under this section.

(4) The court may order that the allowance to the surviving spouse or surviving domestic partner, not including any allowance for the support and education of minor children, be applied in satisfaction of any of the following:

(a) Any entitlement of the surviving spouse or surviving domestic partner under s. 853.12.

(b) Any right of the surviving spouse or surviving domestic partner to elect under s. 861.02 (1).

SECTION 3266. 861.41 of the statutes is amended to read:

861.41 Exemption of property to be assigned to surviving spouse or surviving domestic partner. (1) After the amount of claims against the estate has been ascertained, the surviving spouse or surviving domestic partner may petition the court to set aside as exempt from the claims of creditors under s. 859.25 (1) (h) an amount of property reasonably necessary for the support of the spouse or domestic partner, not to exceed \$10,000 in value, if it appears that the assets are insufficient to pay all claims and allowances and still leave the surviving spouse or surviving domestic partner such an amount of property in addition to selection and allowances.

(2) The court shall grant the petition if it determines that an assignment ahead of creditors is reasonably necessary for the support of the spouse or domestic partner. In determining the necessity and the amount of property to be assigned, the court must take into consideration the availability of a home to the surviving spouse or surviving domestic partner and all other assets and resources available for support.

SECTION 3267. 867.01 (1) (b) and (3) (f) of the statutes are amended to read:

867.01 (1) (b) Whenever the estate, less the amount of the debts for which any property in the estate is security, does not exceed \$50,000 in value and the decedent

is survived by a spouse or domestic partner, or one or more minor children or both.

(3) (f) *Order.* If the court is satisfied that the estate may be settled under this section, after 30 days have elapsed since notice to the department of health services under par. (d), if that notice is required, the court shall assign the property to the persons entitled to it. If the estate may be settled under sub. (1) (b), any property not otherwise assigned shall be assigned to the surviving spouse or surviving domestic partner, or minor children or both as an allowance under s. 861.31. The court shall order any person indebted to or holding money or other property of the decedent to pay the indebtedness or deliver the property to the persons found to be entitled to receive it. The court shall order the transfer of interests in real estate, stocks or bonds registered in the name of the decedent, the title of a licensed motor vehicle, or any other form of property. If the decedent immediately prior to death had an estate for life or an interest as a joint tenant in any property in regard to which a certificate of termination in accordance with s. 867.04 has not been issued, the order shall set forth the termination of that life estate or the right of survivorship of any joint tenant. Every tract of real property in which an interest is assigned or terminated or which is security for a debt in which an interest is assigned or terminated shall be specifically described.

SECTION 3269. 895.04 (2) and (6) of the statutes are amended to read:

895.04 (2) If the deceased leaves surviving a spouse or domestic partner under ch. 770, and domestic partner under s. 770.05, and minor children under 18 years of age with whose support the deceased was legally charged, the court before whom the action is pending, or if no action is pending, any court of record, in recognition of the duty and responsibility of a parent to support minor children, shall determine the amount, if any, to be set aside for the protection of such children after considering the age of such children, the amount involved, the capacity and integrity of the surviving spouse or surviving domestic partner, and any other facts or information it may have or receive, and such amount may be impressed by creation of an appropriate lien in favor of such children or otherwise protected as circumstances may warrant, but such amount shall not be in excess of 50% of the net amount received after deduction of costs of collection. If there are no such surviving minor children, the amount recovered shall belong and be paid to the spouse or domestic partner of the deceased; if no spouse or domestic partner survives, to the deceased's lineal heirs as determined by s. 852.01; if no lineal heirs survive, to the deceased's brothers and sisters. If any such relative dies before judgment in the action, the relative next in order shall be entitled to recover for the wrongful death. A surviving nonresident alien spouse or a nonresident alien domestic partner under ch. 770 and minor children shall be entitled

to the benefits of this section. In cases subject to s. 102.29 this subsection shall apply only to the surviving spouse's or surviving domestic partner's interest in the amount recovered. If the amount allocated to any child under this subsection is less than \$10,000, s. 807.10 may be applied. Every settlement in wrongful death cases in which the deceased leaves minor children under 18 years of age shall be void unless approved by a court of record authorized to act hereunder.

(6) Where the wrongful death of a person creates a cause of action in favor of the decedent's estate and also a cause of action in favor of a spouse, domestic partner under ch. 770, or relatives as provided in this section, such spouse, domestic partner, or relatives may waive and satisfy the estate's cause of action in connection with or as part of a settlement and discharge of the cause of action of the spouse, domestic partner, or relatives.

SECTION 3272m. 895.446 (4) of the statutes is amended to read:

895.446 (4) Any recovery under this section shall be reduced by the amount recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act ~~or as reimbursement under s. 969.13 (5) (a) for the same act.~~

SECTION 3273. 895.485 (title) of the statutes is amended to read:

895.485 (title) Civil liability exemption; agencies, foster parents, ~~treatment foster~~ parents and family-operated group home parents.

SECTION 3274. 895.485 (1) (c) of the statutes is repealed.

SECTION 3275. 895.485 (2) (intro.) of the statutes is amended to read:

895.485 (2) (intro.) Except as provided in ss. 167.10 (7) and 343.15 (2), any foster, ~~treatment foster~~ or family-operated group home parent licensed under s. 48.62 or 48.625 is immune from civil liability for any of the following:

SECTION 3276. 895.485 (2) (a) of the statutes is amended to read:

895.485 (2) (a) An act or omission of the foster, ~~treatment foster~~ or family-operated group home parent while that parent is acting in his or her capacity as a foster, ~~treatment foster~~ or family-operated group home parent.

SECTION 3277. 895.485 (2) (b) of the statutes is amended to read:

895.485 (2) (b) An act or omission of a child who is placed in a foster home, ~~treatment foster home~~ or family-operated group home while the child is in the foster, ~~treatment foster~~ or family-operated group home parent's care.

SECTION 3278. 895.485 (3) of the statutes is amended to read:

895.485 (3) The immunity specified in sub. (2) does not apply if the act or omission of a foster, ~~treatment foster~~ or family-operated group home parent was not done in good faith or was not in compliance with any written

instructions, received from the agency that placed the child, regarding specific care and supervision of the child. The good faith of a foster, ~~treatment foster~~ or family-operated group home parent and the compliance of the foster, ~~treatment foster~~ or family-operated group home parent with any written instructions received from the agency that placed the child are presumed in a civil action. Any person who asserts that a foster, ~~treatment foster~~ or family-operated group home parent did not act in good faith, or did not comply with written instructions received from the agency that placed the child, has the burden of proving that assertion.

SECTION 3279. 895.485 (4) (intro.) of the statutes is amended to read:

895.485 (4) (intro.) Any agency that acts in good faith in placing a child with a foster, ~~treatment foster~~ or family-operated group home parent is immune from civil liability for any act or omission of the agency, the foster, ~~treatment foster~~ or family-operated group home parent, or the child unless all of the following occur:

SECTION 3280. 895.485 (4) (a) of the statutes is amended to read:

895.485 (4) (a) The agency has failed to provide the foster, ~~treatment foster~~ or family-operated group home parent with any information relating to a medical, physical, mental, or emotional condition of the child that it is required to disclose under this paragraph. The department of children and families shall promulgate rules specifying the kind of information that an agency shall disclose to a foster, ~~treatment foster~~, or family-operated group home parent ~~which that~~ relates to a medical, physical, mental, or emotional condition of the child.

SECTION 3283g. 895.61 of the statutes is created to read:

895.61 Asbestos successor corporation; limitation on liability. (1) DEFINITIONS. In this section:

(a) "Asbestos claim" means a claim for damages, losses, indemnification, contribution, or other relief arising out of or related in any way to asbestos, including all of the following:

1. A claim related to the health effects of exposure to asbestos, including a claim related to any of the following:

- a. Personal injury or death.
- b. Mental or emotional injury.
- c. Increased risk of disease or other injury.
- d. Costs of medical monitoring or surveillance.

2. A claim made by or on behalf of any person exposed to asbestos, or by a spouse, parent, child, or other relative of the person.

3. A claim related to the installation, presence, or removal of asbestos.

(b) "Corporation" means a domestic corporation for profit organized under the laws of this state or a foreign corporation for profit organized under laws other than the laws of this state.

(c) 1. "Successor asbestos-related liability" means any liability that is related to an asbestos claim and that was assumed or incurred by a corporation as a result of or in connection with any of the following:

a. A merger or consolidation with a transferor.

b. The plan of merger or consolidation with a transferor related to the merger or consolidation with or into another corporation.

c. An asbestos claim based on the exercise of control or ownership of stock or a corporation before the merger or consolidation with a transferor.

2. "Successor asbestos-related liability" includes liability that, after the time of the merger or consolidation with a transferor for which the fair market value of the total gross assets of the successor corporation was determined under sub. (4), was paid, discharged, or committed to be paid or discharged by or on behalf of the corporation, successor corporation, or transferor in connection with a settlement, judgment, or discharge in this state or in another jurisdiction.

(d) "Successor corporation" means a corporation that has assumed or incurred successor asbestos-related liabilities before January 1, 1972, or that is any of that successor corporation's successors.

(e) "Total gross assets" includes intangible assets.

(f) "Transferor" means a corporation from which a successor asbestos-related liability is or was assumed or incurred.

(2) **APPLICABILITY.** (a) The limitations in sub. (3) apply to any successor corporation, except as provided in par (b).

(b) The limitations in sub. (3) do not apply to any of the following:

1. Worker's compensation benefits paid under ch. 102 or a comparable worker's compensation law of another jurisdiction.

2. Any claim against a successor corporation that does not constitute a successor asbestos-related liability.

3. Any obligation under 29 USC 151, et seq., or under any collective bargaining agreement.

4. A successor corporation that, after a merger or consolidation with a transferor, continued in the business of mining asbestos, selling or distributing asbestos fibers, or manufacturing, distributing, removing, or installing asbestos-containing products that were the same or substantially the same as those products that were previously manufactured, distributed, removed, or installed by the transferor.

(3) **MEASURE OF LIABILITY.** (a) Except as provide in par. (b), the cumulative successor asbestos-related liabilities of a successor corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation with the successor corporation. Subject to par. (b), the successor corporation does not have responsibility for any suc-

cessor asbestos-related liabilities in excess of this limitation.

(b) If the transferor to the successor corporation had assumed or incurred successor asbestos-related liability in connection with a prior merger or consolidation with a prior transferor, then the fair market value of the total assets of the prior transferor determined as of the time of the earlier merger or consolidation is substituted for the limitation under par. (a) for purposes of determining the limitation on liability of the successor corporation.

(4) **ESTABLISHING THE FAIR MARKET VALUE OF TOTAL GROSS ASSETS.** (a) A successor corporation may establish the fair market value of total gross assets for purposes of the limitations under sub. (3) by any reasonable method, including any of the following:

1. By reference to the going concern value of the assets.

2. By reference to the purchase price attributable to or paid for the assets in an arms-length transaction.

3. In the absence of other readily available information from which the fair market value can be determined, by reference to the value of the assets recorded on a balance sheet.

(b) To the extent that total gross assets include liability insurance that was issued to the transferor whose assets are being valued under this subsection, the applicability, terms, conditions, and limits of the insurance are not affected by this section. This section does not affect the rights and obligations of an insurer, transferor, or successor corporation under any insurance contract or related agreement, including all of the following:

1. A preenactment settlement resolving a coverage-related dispute.

2. The right of an insurer to seek payment for applicable deductibles, retrospective premiums, or self-insured retentions.

3. The right of an insurer to seek contribution from a successor corporation for an uninsured or self-insured period or for a period when insurance is uncollectible or unavailable.

(c) Subject to par. (b), to the extent that total gross assets include any liability insurance, a settlement of a dispute concerning the liability insurance coverage entered into by the transferor or successor corporation with the insurer of the transferor before the effective date of this paragraph [LRB inserts date], shall be determinative of the total coverage of the liability insurance for inclusion in the calculation of the transferor's total gross assets.

(5) **ADJUSTMENT OF FAIR MARKET VALUE.** (a) Except as provided in pars. (b) to (d), the fair market value of the total gross assets at the time of the merger or consolidation with the transferor shall increase annually at a rate equal to the sum of the following:

1. The weekly prime rate for the first week of each calendar year since the merger or consolidation, as reported by the federal reserve board in federal reserve statistical release H. 15.

2. One percent.

(b) The rate under par. (a) may not be compounded.

(c) The adjustment of the fair market value of the total gross assets shall continue as provided in par. (a) until the date that the adjusted fair market value of the total gross assets is first exceeded by the cumulative amounts of successor asbestos-related liabilities paid or committed to be paid by or on behalf of the successor corporation or a predecessor of the successor corporation or by or on behalf of a transferor after the time of the merger or consolidation for which the fair market value of the total gross assets is determined.

(d) No adjustment of the fair market value of total gross assets may be applied to any liability insurance that is included in the definition of total gross assets under sub. (4) (b).

(6) LIBERAL CONSTRUCTION INTENDED. This section shall be liberally construed to effect its purposes with regard to successor corporations.

SECTION 3284. 905.05 (title) of the statutes is amended to read:

905.05 (title) Husband-wife and domestic partner privilege.

SECTION 3285. 905.05 (1), (2) and (3) (a), (b), (c) and (d) of the statutes are amended to read:

905.05 (1) GENERAL RULE OF PRIVILEGE. A person has a privilege to prevent the person's spouse or former spouse or domestic partner or former domestic partner from testifying against the person as to any private communication by one to the other made during their marriage or domestic partnership. As used in this section, "domestic partner" means a domestic partner under ch. 770.

(2) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the person or by the spouse or domestic partner on the person's behalf. The authority of the spouse or domestic partner to do so is presumed in the absence of evidence to the contrary.

(3) (a) If both spouses or former spouses or domestic partners or former domestic partners are parties to the action.

(b) In proceedings in which one spouse or former spouse or domestic partner or former domestic partner is charged with a crime against the person or property of the other or of a child of either, or with a crime against the person or property of a 3rd person committed in the course of committing a crime against the other.

(c) In proceedings in which a spouse or former spouse or domestic partner or former domestic partner is charged with a crime of pandering or prostitution.

(d) If one spouse or former spouse or domestic partner or former domestic partner has acted as the agent of

the other and the private communication relates to matters within the scope of the agency.

SECTION 3285gb. 908.03 (6m) (title) of the statutes is amended to read:

908.03 (6m) (title) HEALTH PATIENT HEALTH CARE PROVIDER RECORDS.

SECTION 3285gc. 908.03 (6m) (a) of the statutes is renumbered 908.03 (6m) (a) (intro.) and amended to read:

908.03 (6m) (a) *Definition.* (intro.) In this subsection, "health;

1. Health care provider" means a ~~massage therapist or bodyworker issued a certificate under ch. 460, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician assistant licensed under ch. 448, or a health care provider as defined~~ has the meanings given in s. ss. 146.81 (1) and 655.001 (8).

SECTION 3285ge. 908.03 (6m) (a) 2. of the statutes is created to read:

908.03 (6m) (a) 2. "Patient health care records" has the meaning given in s. 146.81 (4).

SECTION 3285gg. 908.03 (6m) (b) of the statutes is amended to read:

908.03 (6m) (b) *Authentication witness unnecessary.* A custodian or other qualified witness required by sub. (6) is unnecessary if the party who intends to offer patient health care provider records into evidence at a trial or hearing does one of the following at least 40 days before the trial or hearing:

1. Serves upon all appearing parties an accurate, legible and complete duplicate of the patient health care provider records for a stated period certified by the record custodian.

2. Notifies all appearing parties that an accurate, legible and complete duplicate of the patient health care provider records for a stated period certified by the record custodian is available for inspection and copying during reasonable business hours at a specified location within the county in which the trial or hearing will be held.

SECTION 3285gh. 908.03 (6m) (bm) of the statutes is created to read:

908.03 (6m) (bm) *Presumption.* Billing statements or invoices that are patient health care records are presumed to state the reasonable value of the health care services provided and the health care services provided are presumed to be reasonable and necessary to the care of the patient. Any party attempting to rebut the presumption of the reasonable value of the health care services provided may not present evidence of payments made or benefits conferred by collateral sources.

SECTION 3285gi. 908.03 (6m) (c) (intro.) of the statutes is amended to read:

908.03 (6m) (c) *Subpoena limitations.* (intro.) Health Patient health care provider records are subject to subpoena only if one of the following conditions exists:

SECTION 3285gk. 908.03 (6m) (c) 3. of the statutes is amended to read:

908.03 (6m) (c) 3. If upon a properly authorized request of an attorney, the health care provider refuses, fails, or neglects to supply within 2 business days a legible certified duplicate of its records for the fees established under ~~par. (d) s. 146.83 (1f) (c) or (d) or (1h) (b) or (c), whichever are applicable.~~

SECTION 3285gm. 908.03 (6m) (d) of the statutes is repealed.

SECTION 3285p. 909.02 (11) (title) of the statutes is amended to read:

909.02 (11) (title) HEALTH PATIENT HEALTH CARE PROVIDER RECORDS.

SECTION 3286. 911.01 (4) (c) of the statutes is amended to read:

911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or rendition; sentencing, granting or revoking probation, modification of a ~~bifurcated~~ sentence under s. ~~302.113 (9g) 302.1135~~, adjustment of a bifurcated sentence under s. 973.195 (1r), release to extended supervision under s. 302.113 (2) (b) or 304.06 (1) or discharge under s. 973.01 (4m), issuance of arrest warrants, criminal summonses and search warrants; hearings under s. 980.09 (2); proceedings under s. 971.14 (1) (c); proceedings with respect to pretrial release under ch. 969 except where habeas corpus is utilized with respect to release on bail or as otherwise provided in ch. 969.

SECTION 3287. 938.02 (6) of the statutes is amended to read:

938.02 (6) "Foster home" means any facility that is operated by a person required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for no more than 4 juveniles or, if necessary to enable a sibling group to remain together, for no more than 6 juveniles or, if the department of children and families promulgates rules permitting a different number of juveniles, for the number of juveniles permitted under those rules.

SECTION 3288. 938.02 (17q) of the statutes is repealed.

SECTION 3289. 938.207 (1) (c) of the statutes is amended to read:

938.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~ if the placement does not violate the conditions of the license.

SECTION 3290. 938.207 (1) (f) of the statutes is amended to read:

938.207 (1) (f) The home of a person not a relative if the person has not had a ~~foster home or treatment foster home~~ license under s. 48.62 refused, revoked, or suspended within the previous 2 years. ~~Such a~~ A placement under this paragraph may not exceed 30 days, unless the placement is extended by the court for cause for an additional 30 days.

SECTION 3290n. 938.21 (2) (e) of the statutes is created to read:

938.21 (2) (e) If present at the hearing, the parent shall be requested to provide the names and other identifying information of 3 relatives of the juvenile or family friends 18 years of age or over whose homes the parent requests the court to consider as placements for the juvenile. If the parent does not provide this information at the hearing, the county department shall make a reasonable effort to provide each parent with the opportunity to provide this information.

SECTION 3290p. 938.21 (3) (f) of the statutes is created to read:

938.21 (3) (f) If present at the hearing, the parent shall be requested to provide the names and other identifying information of 3 relatives of the juvenile or family friends 18 years of age or over whose homes the parent requests the court to consider as placements for the juvenile. If the parent does not provide this information at the hearing, the county department shall make a reasonable effort to provide each parent with the opportunity to provide this information.

SECTION 3291. 938.21 (5) (d) 2. of the statutes is amended to read:

938.21 (5) (d) 2. If a hearing is held under subd. 1, at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3292. 938.21 (5) (d) 3. of the statutes is amended to read:

938.21 (5) (d) 3. The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3292h. 938.21 (5) (e) of the statutes is created to read:

938.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent, great-grandparent, aunt, uncle, or sibling of a juvenile, whether by blood, marriage, or legal adoption, who has attained 18 years of age.

2. The court shall order the county department to conduct a diligent search in order to locate and provide notice

of the information specified in this subdivision to all adult relatives of the juvenile and to all other adult individuals whose homes are requested by the juvenile's parent under sub. (2) (e) or (3) (f) to be considered as placement options for the juvenile within 30 days after the date of the hearing unless the juvenile is returned to his or her home within that period. The county department may not provide that notice to an adult relative or other individual if the county department has reason to believe that it would be dangerous to the juvenile or to the parent if the juvenile were placed with that adult relative or individual. The notice shall include all of the following:

a. A statement that the juvenile has been removed from the custody of the juvenile's parent.

b. A statement that the juvenile may need a temporary or permanent placement outside of his or her home and an explanation of how the individual may request to have the juvenile placed with him or her.

c. An explanation of the programs and services that may be available to the adult relative or other individual if the juvenile is placed with him or her including foster care payments, kinship care payments, assistance with health care needs, child care assistance, and nutrition assistance.

d. A description of the types of expenses that the adult relative or other individual may incur if the juvenile is placed in his or her home and whether and when the adult relative or other individual may be reimbursed for those expenses.

e. An explanation of how to receive notice of future proceedings relating to the juvenile if the adult relative or other individual provides contact information to the county department.

SECTION 3293. 938.27 (3) (a) 1. of the statutes is amended to read:

938.27 (3) (a) 1. The court shall notify, under s. 938.273, the juvenile, any parent, guardian, and legal custodian of the juvenile, any foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) of the juvenile, and any person specified in par. (b), if applicable, of all hearings involving the juvenile under this subchapter, except hearings on motions for which notice must be provided only to the juvenile and his or her counsel. If parents entitled to notice have the same place of residence, notice to one constitutes notice to the other. The first notice to any interested party, foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) shall be in writing and may have a copy of the petition attached to it. Notices of subsequent hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the date and time notice was given and the person to whom he or she spoke.

SECTION 3294. 938.27 (3) (a) 1m. of the statutes is amended to read:

938.27 (3) (a) 1m. The court shall give a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 1. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a notice of a hearing under subd. 1. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3295. 938.27 (3) (a) 2. of the statutes is amended to read:

938.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding. If a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that person may request a rehearing on the matter during the pendency of an order resulting from the hearing. If the request is made, the court shall order a rehearing.

SECTION 3296. 938.27 (6) of the statutes is amended to read:

938.27 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a proceeding is initiated under s. 938.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court. If the juvenile who is the subject of the proceeding is in the care of a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2), the court shall give the foster parent, ~~treatment foster parent~~, or other physical custodian notice and an opportunity to be heard as provided in sub. (3) (a).

SECTION 3297. 938.299 (1) (ag) of the statutes is amended to read:

938.299 (1) (ag) If a public hearing is not held, in addition to persons permitted to attend under par. (a), the juvenile's foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) may be present, except that the court may exclude a foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with sensitive personal information of the juvenile or the juvenile's family or if the court determines that excluding the foster parent, ~~treatment foster parent~~ or other physical custodian would be in the best interests of the juvenile.

SECTION 3298. 938.32 (1) (d) 2. of the statutes is amended to read:

938.32 (1) (d) 2. At least 10 days before the date of the hearing under subd. 1., the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3299. 938.32 (1) (d) 3. of the statutes is amended to read:

938.32 (1) (d) 3. The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. The foster parent, ~~treatment foster parent~~, or other physical custodian does not become a party to the proceeding on which the hearing is held solely on the basis of receiving the notice and having the opportunity to be heard.

SECTION 3300. 938.33 (4) (intro.) of the statutes is amended to read:

938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending placement in a foster home, ~~treatment foster home~~, group home, or nonsecured residential care center for children and youth, in the home of a relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except that the report may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record. The report shall include all of the following:

SECTION 3301. 938.33 (5) of the statutes is amended to read:

938.33 (5) IDENTITY OF FOSTER PARENT OR ~~TREATMENT FOSTER PARENT~~. CONFIDENTIALITY. If the report recommends placement in a foster home or a ~~treatment foster home~~, and the name of the foster parent or ~~treatment foster parent~~ is not available at the time the report is filed, the agency shall provide the court and the juvenile's parent or guardian with the name and address of the foster parent or ~~treatment foster parent~~ within 21 days after the dispositional order is entered, except that the court may order the information withheld from the juvenile's parent or guardian if the court finds that disclosure would result in imminent danger to the juvenile or to the foster parent or ~~treatment foster parent~~. After notifying the juvenile's parent or guardian, the court shall hold a hearing prior to ordering the information withheld.

SECTION 3302. 938.335 (3g) (intro.) of the statutes is amended to read:

938.335 (3g) REASONABLE EFFORTS FINDING. (intro.) At hearings under this section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of the juvenile in a foster home, ~~treatment foster home~~, group

home, or residential care center for children and youth, or in the home of a relative other than a parent, the agency shall present as evidence specific information showing all of the following:

SECTION 3303. 938.34 (3) (c) of the statutes is amended to read:

938.34 (3) (c) A foster home or ~~treatment foster home~~ licensed under s. 48.62 or a group home licensed under s. 48.625.

SECTION 3304. 938.355 (2) (b) 2. of the statutes is amended to read:

938.355 (2) (b) 2. If the juvenile is placed outside the home, the name of the place or facility, including transitional placements, where the juvenile shall be cared for or treated, except that if the placement is a foster home or ~~treatment foster home~~ and the name and address of the foster parent or ~~treatment foster parent~~ is not available at the time of the order, the name and address of the foster parent or ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days of after the order. If, after a hearing on the issue with due notice to the parent or guardian, the court finds that disclosure of the identity of the foster parent or ~~treatment foster parent~~ would result in imminent danger to the juvenile, ~~the foster parent~~ or the ~~treatment~~ foster parent, the court may order the name and address of the prospective foster parents or ~~treatment foster parents~~ withheld from the parent or guardian.

SECTION 3305. 938.355 (2d) (c) 2. of the statutes is amended to read:

938.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3306. 938.355 (2d) (c) 3. of the statutes is amended to read:

938.355 (2d) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3307. 938.355 (4) (a) of the statutes is amended to read:

938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under this section or s. 938.357 or

938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in his or her home shall terminate at the end of one year after the date on which the order is granted unless the court specifies a shorter period of time or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of a relative other than a parent shall terminate when the juvenile attains 18 years of age, at the end of one year after the date on which the order is granted, or, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, when the juvenile attains 19 years of age, whichever is later, unless the court specifies a shorter period of time or the court terminates the order sooner.

SECTION 3308. 938.357 (1) (am) 1. of the statutes is amended to read:

938.357 (1) (am) 1. If the proposed change in placement involves any change in placement other than a change in placement under par. (c), the person or agency primarily responsible for implementing the dispositional order or the district attorney shall cause written notice of the proposed change in placement to be sent to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the juvenile. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court.

SECTION 3309. 938.357 (1) (am) 2. of the statutes is amended to read:

938.357 (1) (am) 2. Any person receiving the notice under subd. 1. or notice of a specific foster ~~or treatment foster~~ placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. Placements may not be changed until 10 days after that notice is sent to the court unless the parent, guardian, or legal custodian and the juvenile, if 12 or more years of age, sign written waivers of objection, except that changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under subd. 1. In addition, a hearing is not required for placement changes authorized in the dispositional order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the court's dispositional order.

SECTION 3310. 938.357 (2m) (b) of the statutes is amended to read:

938.357 (2m) (b) *Hearing; when required.* The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement. A hearing is not required if the requested or proposed change in placement does not involve a change in placement of a juvenile placed in the home to a placement outside the home, written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under sub. (1) (am) 1., and the court approves. If a hearing is scheduled, the court shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile, any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

SECTION 3311. 938.357 (2r) of the statutes is amended to read:

938.357 (2r) REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a juvenile from a foster home, ~~treatment foster home~~, or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent, ~~treatment foster parent~~, or other physical custodian an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the juvenile and the requested change in placement. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3312. 938.357 (2v) (c) 2. of the statutes is amended to read:

938.357 (2v) (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3313. 938.357 (2v) (c) 3. of the statutes is amended to read:

938.357 (2v) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian

described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3314. 938.357 (4) (c) 1. of the statutes is amended to read:

938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility operated by a child welfare agency under par. (a) and it appears that a less restrictive placement would be appropriate for the juvenile, the department, after consulting with the child welfare agency that is operating the Type 2 juvenile correctional facility, may place the juvenile in a less restrictive placement, and may return the juvenile to the Type 2 juvenile correctional facility without a hearing under sub. (1) (am) 2. ~~The child welfare agency shall establish a rate for each type of placement~~ shall be established by the department of children and families, in consultation with the department, in the manner provided in s. 49.343.

SECTION 3315. 938.357 (4) (c) 2. of the statutes is amended to read:

938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for children and youth under s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate for the juvenile, the child welfare agency operating the Type 2 residential care center for children and youth shall notify the county department that has supervision over the juvenile and, if the county department agrees to a change in placement under this subdivision, the child welfare agency may place the juvenile in a less restrictive placement. A child welfare agency may also, with the agreement of the county department that has supervision over a juvenile who is placed in a less restrictive placement under this subdivision, return the juvenile to the Type 2 residential care center for children and youth without a hearing under sub. (1) (am) 2. ~~The child welfare agency shall establish a rate for each type of placement~~ shall be established by the department of children and families, in consultation with the department, in the manner provided in s. 49.343.

SECTION 3316. 938.357 (6) of the statutes is amended to read:

938.357 (6) DURATION OF ORDER. No change in placement may extend the expiration date of the original order, except that if the change in placement is from a placement in the juvenile's home to a placement in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of a relative

who is not a parent, the court may extend the expiration date of the original order to the date on which the juvenile attains 18 years of age, to the date that is one year after the date of the change in placement order, or, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, to the date on which the juvenile attains 19 years of age, whichever is later, or for a shorter period of time as specified by the court. If the change in placement is from a placement in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of a relative to a placement in the juvenile's home and if the expiration date of the original order is more than one year after the date of the change in placement order, the court shall shorten the expiration date of the original order to the date that is one year after the date of the change in placement order or to an earlier date as specified by the court.

SECTION 3317. 938.363 (1) (b) of the statutes is amended to read:

938.363 (1) (b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.

SECTION 3318. 938.363 (1m) of the statutes is amended to read:

938.363 (1m) EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3319. 938.365 (2) of the statutes is amended to read:

938.365 (2) NOTICE. No order may be extended without a hearing. The court shall notify the juvenile or the juvenile's guardian ad litem or counsel, the juvenile's parent, guardian, legal custodian, all of the parties present at the original hearing, the juvenile's foster parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered of the time and place of the hearing.

SECTION 3320. 938.365 (2m) (ad) 2. of the statutes is amended to read:

938.365 (2m) (ad) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3321. 938.365 (2m) (ag) of the statutes is amended to read:

938.365 (2m) (ag) The court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. A foster parent, ~~treatment foster parent~~, or other physical custodian who receives notice of a hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3322. 938.365 (5) of the statutes is amended to read:

938.365 (5) DURATION OF EXTENSION. Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in his or her home or that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to exceed one year after its date of entry. Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of a relative other than a parent shall be for a specified length of time not to exceed the date on which the juvenile attains 18 years of age, one year after the date on which the order is granted, or, if the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, the date on which the juvenile attains 19 years of age, whichever is later.

SECTION 3323. 938.371 (1) (intro.) of the statutes is amended to read:

938.371 (1) MEDICAL INFORMATION. (intro.) If a juvenile is placed in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall provide the following information to the foster parent, ~~treatment foster parent~~, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

SECTION 3324. 938.371 (1) (a) of the statutes is amended to read:

938.371 (1) (a) Results of a test or a series of tests of the juvenile to determine the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an antibody to HIV, under s. 252.15 (5) (a) 19., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, ~~treatment foster parent~~, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility of the confidentiality requirements under s. 252.15 (6).

SECTION 3325. 938.371 (3) (intro.) of the statutes is amended to read:

938.371 (3) OTHER INFORMATION. (intro.) At the time of placement of a juvenile in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile's permanency plan shall provide to the foster parent, ~~treatment foster parent~~, relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility information contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

SECTION 3326. 938.371 (3) (d) of the statutes is amended to read:

938.371 (3) (d) Any involvement of the juvenile, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s. 948.05, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the juvenile or for the protection of any person living in the foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility.

SECTION 3327. 938.38 (2) (intro.) of the statutes is amended to read:

938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each juvenile living in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each juvenile living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions under pars. (a) to (e) exists:

SECTION 3327p. 938.38 (4) (bm) of the statutes is amended to read:

938.38 (4) (bm) A statement as to the availability of a safe and appropriate placement with a fit and willing relative of the juvenile and, if of what efforts were made to comply with an order under s. 938.21 (2) (e) or (3) (f) requiring notification of all adult relatives of the juvenile and all other adult individuals whose homes have been requested by the juvenile's parent to be considered as potential placements for the juvenile and to notify all other adult individuals whose homes have been requested by the juvenile to be considered as potential placements for the juvenile. If a decision is made not to place the juvenile with an available relative, or individual identified by the juvenile's parent or the juvenile, the permanency plan shall include a statement as to why placement with the relative or other individual is not safe or appropriate.

SECTION 3328. 938.38 (4) (f) (intro.) of the statutes is amended to read:

938.38 (4) (f) (intro.) A description of the services that will be provided to the juvenile, the juvenile's family, and the juvenile's foster parent, ~~the juvenile's treatment foster parent~~, the operator of the facility where the juvenile is living, or the relative with whom the juvenile is living to carry out the dispositional order, including services planned to accomplish all of the following:

SECTION 3329. 938.38 (5) (b) of the statutes is amended to read:

938.38 (5) (b) The court or the agency shall notify the parents of the juvenile, the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent, ~~the juvenile's treatment foster parent~~, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living of the date, time, and place of the review, of the issues to be determined as part of the review, and of the fact that they may have an opportunity to be heard at the review by submitting written comments not less than 10 working days before the review or by participating at the review. The court or agency shall notify the person representing the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem of the date of the review, of the issues to be determined as part of the review, and of the fact that they may submit written comments not less than 10 working days before the review. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the juvenile's case record.

SECTION 3330. 938.38 (5) (e) of the statutes is amended to read:

938.38 (5) (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order, the juvenile or the juvenile's counsel or guardian ad litem, the person representing the interests of the public, the juvenile's parent or guardian and the juvenile's foster parent, ~~the juvenile's treatment foster parent~~ or the operator of the facility where the juvenile is living.

SECTION 3331. 938.38 (5m) (b) of the statutes is amended to read:

938.38 (5m) (b) Not less than 30 days before the date of the hearing, the court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent or ~~treatment foster parent~~, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; the juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the permanency plan; and the person representing the interests of the public of the date, time, and place of the hearing.

SECTION 3332. 938.38 (5m) (c) of the statutes is amended to read:

938.38 (5m) (c) Any person who is provided notice of the hearing may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, ~~treatment foster parent~~, operator of a facility in which a juvenile is living, or relative with whom a juvenile is living who receives notice of a hearing under par. (b) and an opportunity to be heard under this paragraph does not become a party to the

proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3333. 938.38 (5m) (e) of the statutes is amended to read:

938.38 (5m) (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

SECTION 3334. 938.48 (4) of the statutes is amended to read:

938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4), including serving those juveniles in their own homes, placing them in licensed foster homes ~~or licensed treatment foster homes~~ or licensed group homes under s. 48.63, contracting for their care by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the department may not purchase the educational component of private day treatment programs for a juvenile in its custody unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available for the juvenile. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 3334p. 938.48 (8p) of the statutes is created to read:

938.48 (8p) INDIAN JUVENILE PLACEMENTS. Reimburse tribes and county departments, from the appropriation under s. 20.410 (1) (kp), for unexpected or unusually high-cost out-of-home care placements of Indian juveniles who have been adjudicated delinquent. In this subsection, "unusually high-cost out-of-home care

placements" means the amount by which the cost to a tribe or to a county department of out-of-home care placements of Indian juveniles who have been adjudicated delinquent exceeds \$50,000 in a fiscal year.

SECTION 3335. 938.49 (2) (b) of the statutes is amended to read:

938.49 (2) (b) Notify the juvenile's last school district or, if the juvenile was last enrolled in a private school under the program under s. 119.23, the private school, in writing of its obligation under s. 118.125 (4).

SECTION 3336. 938.52 (1) (b) of the statutes is amended to read:

938.52 (1) (b) Foster homes ~~or treatment foster homes~~.

SECTION 3337. 938.538 (3) (a) 1p. of the statutes is amended to read:

938.538 (3) (a) 1p. Alternate care, including placement in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or secured residential care center for children and youth.

SECTION 3338. 938.57 (1) (c) of the statutes is amended to read:

938.57 (1) (c) Provide appropriate protection and services for juveniles in its care, including providing services for juveniles and their families in their own homes, placing the juveniles in licensed foster homes, ~~licensed treatment foster homes~~, or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing the juveniles in the homes of guardians under s. 48.977 (2), contracting for services for them by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 3339. 938.57 (3) (a) 4. of the statutes is amended to read:

938.57 (3) (a) 4. Is living in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5).

SECTION 3339j. 938.78 (2) (i) of the statutes is created to read:

938.78 (2) (i) Paragraph (a) does not prohibit an agency from disclosing information to a relative of a juvenile placed outside of his or her home only to the extent necessary to facilitate the establishment of a relationship between the juvenile and the relative or a placement of the juvenile with the relative. In this paragraph,

"relative" includes a relative whose relationship is derived through a parent of the juvenile whose parental rights are terminated.

SECTION 3339L. 939.22 (20d) of the statutes is created to read:

939.22 (20d) "Offense against an elderly or vulnerable person" means a violation of s. 940.285 (2) (a) that caused death, great bodily harm, or bodily harm to the victim or s. 940.295 (3) (b) that caused death, great bodily harm, or bodily harm to the victim.

SECTION 3339n. 939.22 (20m) of the statutes is created to read:

939.22 (20m) "Offense related to ethical government" means a violation of s. 13.69 (6m), 19.58 (1) (b), or 946.12.

SECTION 3339p. 939.22 (20s) of the statutes is created to read:

939.22 (20s) "Offense related to school safety" means a violation of s. 948.605 or 948.61 (2) (b).

SECTION 3340. 940.201 (1) (a) of the statutes is amended to read:

940.201 (1) (a) "Family member" means a spouse, child, stepchild, foster child, ~~treatment foster child~~, parent, sibling, or grandchild.

SECTION 3341. 940.203 (1) (a) of the statutes is amended to read:

940.203 (1) (a) "Family member" means a parent, spouse, sibling, child, stepchild, ~~foster child or treatment foster child~~.

SECTION 3342. 940.205 (1) of the statutes is amended to read:

940.205 (1) In this section, "family member" means a parent, spouse, sibling, child, stepchild, ~~foster child or treatment foster child~~.

SECTION 3343. 940.207 (1) of the statutes is amended to read:

940.207 (1) In this section, "family member" means a parent, spouse, sibling, child, stepchild, ~~foster child or treatment foster child~~.

SECTION 3344. 940.43 (1) of the statutes is amended to read:

940.43 (1) Where the act is accompanied by force or violence or attempted force or violence, upon the witness, or the spouse, child, stepchild, foster child, ~~treatment foster child~~, parent, sibling, or grandchild of the witness, or any person sharing a common domicile with the witness.

SECTION 3345. 940.45 (1) of the statutes is amended to read:

940.45 (1) Where the act is accompanied by force or violence or attempted force or violence, upon the victim, or the spouse, child, stepchild, foster child, ~~treatment foster child~~, parent, sibling, or grandchild of the victim, or any person sharing a common domicile with the victim.

SECTION 3346. 943.011 (1) (a) of the statutes is amended to read:

943.011 (1) (a) "Family member" means a spouse, child, stepchild, foster child, ~~treatment foster child~~, parent, sibling, or grandchild.

SECTION 3347. 943.013 (1) (a) of the statutes is amended to read:

943.013 (1) (a) "Family member" means a parent, spouse, sibling, child, stepchild, ~~foster child or treatment foster child~~.

SECTION 3348. 943.015 (1) of the statutes is amended to read:

943.015 (1) In this section, "family member" means a parent, spouse, sibling, child, stepchild, ~~foster child or treatment foster child~~.

SECTION 3349. 943.017 (2m) (a) 1. of the statutes is amended to read:

943.017 (2m) (a) 1. "Family member" means a spouse, child, stepchild, foster child, ~~treatment foster child~~, parent, sibling, or grandchild.

SECTION 3349g. 943.245 (3m) of the statutes is amended to read:

943.245 (3m) Any recovery under this section shall be reduced by the amount recovered as restitution for the same act under ss. 800.093 and 973.20 ~~or as recompense under s. 969.13 (5) (a) for the same act~~ and by any amount collected in connection with the act and paid to the plaintiff under a deferred prosecution agreement under s. 971.41.

SECTION 3349r. 943.51 (3r) of the statutes is amended to read:

943.51 (3r) Any recovery under this section shall be reduced by the amount recovered as restitution for the same act under ss. 800.093 and 973.20 ~~or as recompense under s. 969.13 (5) (a) for the same act~~.

SECTION 3350. 946.13 (2) (g) of the statutes is amended to read:

946.13 (2) (g) Contracts with, or tax credits or payments received by, public officers or employees for wildlife damage claims or abatement under s. 29.889, for farmland preservation under s. 91.13, 2007 stats., or s. 91.60 ~~or subch. IX of ch. 71 and s. 91.13~~, soil and water resource management under s. 92.14, soil erosion control under s. 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats., and nonpoint source water pollution abatement under s. 281.65.

SECTION 3350d. 946.13 (12) (b) 2. a. of the statutes is amended to read:

946.13 (12) (b) 2. a. The contract together with all other contracts between the same parties require less than ~~\$75,000~~ \$250,000 in payments over a ~~24-month~~ 24-month period.

SECTION 3350m. 946.13 (12) (b) 2. b. of the statutes is repealed and recreated to read:

946.13 (12) (b) 2. b. The University of Wisconsin System submits the contract to the University of Wisconsin Board of Regents and, within 45 days, the University of Wisconsin Board of Regents does not notify the Uni-

versity of Wisconsin System that entering the contract would constitute a violation of sub. (1).

SECTION 3350s. 946.13 (12) (d) of the statutes is repealed.

SECTION 3351. 946.15 of the statutes is amended to read:

946.15 Public and publicly funded construction contracts at less than full rate. (1) Any employer, or any agent or employee of an employer, who induces any person who seeks to be or is employed pursuant to a public contract as defined in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) to give up, waive, or return any part of the compensation to which that person is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department or local governmental unit, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3) or (6), 66.0904 (4) or (6), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the employee works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class I felony.

(2) Any person employed pursuant to a public contract as defined in s. 66.0901 (1) (c) or employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) who gives up, waives, or returns to the employer or agent of the employer any part of the compensation to which the employee is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department or local governmental unit, or who gives up any part of the compensation to which he or she is normally entitled for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3) or (6), 66.0904 (4) or (6), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the person works part-time on a project on which a prevailing wage rate determination has been issued and part-time on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.

(3) Any employer or labor organization, or any agent or employee of an employer or labor organization, who induces any person who seeks to be or is employed on a project on which a prevailing wage rate determination

has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) to permit any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from the person's pay is guilty of a Class I felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC ~~276e~~ 3142.

(4) Any person employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) who permits any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 ~~276e~~ 3142.

SECTION 3352. 948.01 (3) of the statutes is amended to read:

948.01 (3) "Person responsible for the child's welfare" includes the child's parent; stepparent; guardian; foster parent; ~~treatment foster parent~~; an employee of a public or private residential home, institution, or agency; other person legally responsible for the child's welfare in a residential setting; or a person employed by one legally responsible for the child's welfare to exercise temporary control or care for the child.

SECTION 3353. 948.085 (1) of the statutes is amended to read:

948.085 (1) Has sexual contact or sexual intercourse with a child for whom the actor is a foster parent ~~or treatment foster parent~~.

SECTION 3357. 949.01 (2) of the statutes is amended to read:

949.01 (2) "Dependent" means any spouse, domestic partner under ch. 770, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or parent of spouse or of domestic partner under ch. 770, of a deceased victim who was wholly or partially dependent upon the victim's income at the time of the victim's death and includes any child of the victim born after the victim's death.

SECTION 3358. 949.06 (1m) (a) of the statutes is amended to read:

949.06 (1m) (a) In this subsection, "family member" means any spouse, domestic partner under ch. 770, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, foster child, treatment foster child, brother, sister, half brother, half sister, aunt, uncle,

nephew, niece, or parent or sibling of spouse or of domestic partner under ch. 770.

SECTION 3359. 949.06 (1m) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), is amended to read:

949.06 (1m) (a) In this subsection, "family member" means any spouse, domestic partner under s. 770.05, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, foster child, ~~treatment foster child,~~ brother, sister, half brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of a domestic partner under ch. 770.

SECTION 3360. 950.04 (1v) (f) of the statutes is amended to read:

950.04 (1v) (f) To have the parole earned release review commission make a reasonable attempt to notify the victim of applications for parole or release to extended supervision, as provided under s. 304.06 (1).

SECTION 3360n. 950.04 (1v) (g) of the statutes is amended to read:

950.04 (1v) (g) To have reasonable attempts made to notify the victim of hearings or court proceedings, as provided under ss. ~~302.113 (9g) (g) 2.,~~ 302.114 (6), 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

SECTION 3361. 950.04 (1v) (gm) of the statutes is amended to read:

950.04 (1v) (gm) To have reasonable attempts made to notify the victim of petitions an offender who submits a petition for sentence adjustment as provided under s. 973.195 (1r) (d), an offender who applies for release to extended supervision under s. 302.113 (2) (b), 302.1135, or 304.06 (1), or an offender who applies for a reduction under s. 973.01 (4m).

SECTION 3362. 950.04 (1v) (nt) of the statutes is amended to read:

950.04 (1v) (nt) To attend a hearing on a petition for modification of a ~~bifurcated~~ sentence and provide a statement concerning modification of the ~~bifurcated~~ sentence, as provided under s. ~~302.113 (9g) (d)~~ 302.1135 (4).

SECTION 3362m. 950.04 (1v) (qm) of the statutes is repealed.

SECTION 3364. 961.41 (5) (c) 1. of the statutes is amended to read:

961.41 (5) (c) 1. The first \$850,000 plus two-thirds of all moneys in excess of \$1,275,000 collected in each fiscal year from drug surcharges under this subsection shall be credited to the appropriation account under s. 20.435 ~~(6)~~ (5) (gb).

SECTION 3364g. 969.13 (4) of the statutes is amended to read:

969.13 (4) Notice of the order of forfeiture under sub. (1) shall be mailed forthwith by the clerk to the defendant and the defendant's sureties at their last addresses. If the defendant does not appear and surrender to the court within 30 days from the date of the forfeiture and within such period the defendant or the defendant's sureties do

not satisfy the court that appearance and surrender by the defendant at the time scheduled for the defendant's appearance was impossible and without the defendant's fault, the court shall upon motion of the district attorney enter judgment for the state against the defendant and any surety for the amount of the bail and costs of the court proceeding. ~~Proceeds Except as provided in sub. (5), proceeds~~ of the judgment shall be paid to the county treasurer. The motion and such notice of motion as the court prescribes may be served on the clerk who shall forthwith mail copies to the defendant and the defendant's sureties at their last addresses.

SECTION 3364m. 969.13 (5) (a) of the statutes is amended to read:

969.13 (5) ~~A cash deposit made with the clerk pursuant to this chapter~~ The court may order the clerk to hold a cash deposit forfeited under this section for a period of time to be determined by the court. If the defendant is ordered to pay restitution under s. 973.20 during that period for the criminal action, the cash deposit shall be applied first to the payment of any recompense determined under par. (b) and then, if the recompense restitution ordered under s. 973.20 and then, if the restitution is paid in full, to the payment of costs. If any amount of such deposit remains after the payment of costs, it shall be applied to payment of the judgment of forfeiture. The person making the cash deposit shall be given written notice of the requirements of this paragraph subsection.

SECTION 3364r. 969.13 (5) (b) of the statutes is repealed.

SECTION 3374. 971.17 (4m) (a) 2. of the statutes is amended to read:

971.17 (4m) (a) 2. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 3375. 971.17 (6m) (a) 2. of the statutes is amended to read:

971.17 (6m) (a) 2. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 3376. 971.23 (10) of the statutes is amended to read:

971.23 (10) PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT DEFENDANTS. When the state public defender or a private attorney appointed under s. 977.08 requests copies, in any format, of any item that is discoverable under this section, the state public defender shall pay any fee charged for the copies from the appropriation account under s. 20.550 (1) (f). If the person providing copies under this section charges the state public defender a fee for the copies, the fee may not exceed the actual, necessary, and direct cost of providing the copies applicable maximum fee for copies of discoverable materials that is established by rule under s. 977.02 (9).

SECTION 3376p. 973.01 (2) (d) (intro.) of the statutes is repealed and recreated to read:

973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.) Except for a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b), the term of extended supervision may not be less than 25 percent nor more than 75 percent of the length of the term of confinement in prison imposed under par. (b). For a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b), the minimum term of extended supervision may not be less than 25 percent of the term of confinement in prison imposed under par. (b) and the maximum term of extended supervision is subject to whichever of the following limits is applicable:

SECTION 3377. 973.01 (3d) of the statutes is created to read:

973.01 (3d) POSITIVE ADJUSTMENT TIME ELIGIBILITY.

(a) The department shall apply to every person serving a sentence imposed under sub. (1) an objective risk assessment instrument supported by research to determine how likely it is that the person will commit another offense.

(b) If the department of corrections determines under par. (a) that the person poses a high risk of reoffending, the person shall be ineligible to earn positive adjustment time under s. 302.113 (2) (b).

(c) This subsection does not apply to a person sentenced on or after the effective date of this paragraph [LRB inserts date].

SECTION 3378. 973.01 (4) of the statutes is amended to read:

973.01 (4) ~~NO GOOD TIME; EXTENSION~~ EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A person sentenced to a bifurcated sentence under sub. (1) shall serve the term of confinement in prison portion of the sentence without reduction for good behavior. The term of confinement in prison portion is subject to extension under s. 302.113 (3) and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., ~~302.113 (9g), or 973.195 (1r), or adjustment under s. 302.113 (2) (b), 302.1135 (6) (a), or 304.06 (1).~~

SECTION 3378r. 973.01 (4m) of the statutes is created to read:

973.01 (4m) DISCHARGE FROM EXTENDED SUPERVISION. (a) The department may discharge a person from extended supervision after he or she has served 2 years of extended supervision if the person has met the conditions of extended supervision and the reduction is in the interests of justice. This subsection does not apply if the court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235, 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.40 (4) (a) or for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d), an offense related to ethical government, as defined in s. 939.22 (20m), or an offense related to school safety, as defined in s. 939.22 (20s).

(b) The department shall notify the victim of the person, as defined under s. 950.02 (4) (a), of its intent to discharge the person from extended supervision.

(c) The department may promulgate rules under ch. 227 establishing guidelines and criteria for the exercise of discretion under this section.

SECTION 3381. 973.01 (7) of the statutes is amended to read:

973.01 (7) ~~NO DISCHARGE~~ DISCHARGE. The department of corrections ~~may not~~ shall discharge a person who is serving a bifurcated sentence from custody, control and supervision ~~until when~~ the person has served the entire bifurcated sentence, as modified under sub. (4m) or s. 302.113 (2) (b) or (9h), 302.1135, or 304.06 (1), if applicable.

SECTION 3381m. 973.01 (8) (a) (intro.) of the statutes is amended to read:

973.01 (8) (a) (intro.) When a court imposes a bifurcated sentence under this section, it shall explain, ~~orally and~~ in writing, all of the following to the person being sentenced:

SECTION 3382. 973.01 (8) (a) 2. of the statutes is amended to read:

973.01 (8) (a) 2. The amount of time the person will serve in prison under the term of confinement in prison portion of the sentence, and the date upon which the person is eligible to be released to extended supervision under s. 302.113 (2) (b) or the date upon which the person may apply for release to extended supervision under s. 304.06.

SECTION 3383. 973.01 (8) (a) 3. of the statutes is amended to read:

973.01 (8) (a) 3. The amount of time the person will spend on extended supervision, assuming that the person does not commit any act that results in the extension of the term of confinement in prison under s. 302.113 (3), and the date upon which the person may be eligible for discharge under sub. (4m).

SECTION 3384. 973.015 (title) of the statutes is amended to read:

973.015 (title) Misdemeanors, special Special disposition.

SECTION 3385. 973.015 (1) (a) of the statutes is amended to read:

973.015 (1) (a) Subject to par. (b) and except as provided in par. (c), when a person is under the age of ~~21~~ 25 at the time of the commission of an offense for which the person has been found guilty in a court for violation of a law for which the maximum ~~penalty is~~ period of imprisonment for one year or less in the county jail is 6 years or less, the court may order at the time of sentencing that the record be expunged upon successful completion of the sentence if the court determines the person will benefit and society will not be harmed by this disposition. This

subsection does not apply to information maintained by the department of transportation regarding a conviction that is required to be included in a record kept under s. 343.23 (2) (a).

SECTION 3386. 973.015 (1) (c) of the statutes is created to read:

973.015 (1) (c) No court may order that a record of a conviction for any of the following be expunged:

1. A Class H felony, if the person has, in his or her lifetime, been convicted of a prior felony offense, or if the felony is a violent offense, as defined in s. 301.048 (2) (bm), or is a violation of s. 940.32, 948.03 (2) or (3), or 948.095.

2. A Class I felony, if the person has, in his or her lifetime, been convicted of a prior felony offense, or if the felony is a violent offense, as defined in s. 301.048 (2) (bm), or is a violation of s. 948.23.

SECTION 3386m. 973.017 (2) (a) of the statutes is repealed.

SECTION 3387. 973.017 (6) (a) of the statutes is amended to read:

973.017 (6) (a) In this subsection, "person responsible for the welfare of the child" includes the child's parent, stepparent, guardian, ~~foster parent~~, or ~~treatment~~ foster parent; an employee of a public or private residential home, institution, or agency; any other person legally responsible for the child's welfare in a residential setting; or a person employed by one who is legally responsible for the child's welfare to exercise temporary control or care for the child.

SECTION 3387m. 973.017 (10) of the statutes is repealed.

SECTION 3387t. 973.031 of the statutes is created to read:

973.031 Risk reduction sentence. Whenever a court imposes a sentence for a felony under s. 973.01, the court may order the person it sentences to serve a risk reduction sentence if the court determines that a risk reduction sentence is appropriate and the person agrees to cooperate in an assessment of his or her criminogenic factors and his or her risk of reoffending, and to participate in programming or treatment the department develops for the person under s. 302.042 (1). This section does not apply if the court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235, 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.40 (4) (a) or for a felony murder under s. 940.03, an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d), an offense related to ethical government, as defined in s. 939.22 (20m), or an offense related to school safety, as defined in s. 939.22 (20s).

SECTION 3388. 973.045 (1) (a) of the statutes is amended to read:

973.045 (1) (a) For each misdemeanor offense or count, ~~\$60~~ \$67.

SECTION 3389. 973.045 (1) (b) of the statutes is amended to read:

973.045 (1) (b) For each felony offense or count, ~~\$85~~ \$92.

SECTION 3390. 973.045 (1r) (a) 2. of the statutes is amended to read:

973.045 (1r) (a) 2. Part B equals ~~\$20~~ \$27 for each misdemeanor offense or count and ~~\$20~~ \$27 for each felony offense or count.

SECTION 3391. 973.045 (2m) of the statutes is amended to read:

973.045 (2m) The secretary of administration shall credit part A and 26 percent of part B of the crime victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and 74 percent of part B to the appropriation account under s. 20.455 (5) (gc).

SECTION 3391c. 973.045 (2m) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed and recreated to read:

973.045 (2m) (a) The secretary of administration shall credit to the appropriation account under s. 20.455 (5) (gc) the first \$20 of part B of the crime victim and witness surcharge.

(b) The secretary of administration shall credit to the appropriation account under s. 20.455 (5) (g) part A of the crime victim and witness surcharge and any part of part B of the crime victim and witness surcharge that remains after the secretary of administration complies with par. (a).

SECTION 3392. 973.05 (2m) (r) of the statutes is amended to read:

973.05 (2m) (r) To payment of the enforcement surcharge under s. ~~49.17~~ 253.06 (4) (c) until paid in full.

SECTION 3392b. 973.06 (1) (e) of the statutes is amended to read:

973.06 (1) (e) Attorney fees payable to the defense attorney by the county or the state. If the court determines at the time of sentencing that the defendant's financial circumstances are changed, the court may adjust the amount in accordance with s. 977.07 (1) (a) and ~~(2)~~ rules promulgated under s. 977.02 (3).

SECTION 3392d. 973.09 (3) (d) of the statutes is created to read:

973.09 (3) (d) The department may petition the sentencing court to modify a person's period of probation and to discharge the person from probation if the person has completed less than 50 percent of his or her period of probation. The court may modify the person's period of probation and order the person discharged from probation if the person has complied with the conditions of his or her probation, has paid restitution ordered under s. 973.20, and has paid all ordered court costs, fines or forfeitures, and supervision fees.

SECTION 3392s. 973.09 (5) (intro.) of the statutes is amended to read:

973.09 (5) (intro.) When the period of probation for a probationer has expired or a court has modified a probationer's period of probation under sub. (3) (d), the probationer shall be discharged from probation and the department shall do all of the following:

SECTION 3395g. 973.195 (1r) (a) of the statutes is amended to read:

973.195 (1r) (a) An inmate who is serving a sentence imposed under s. 973.01 before the effective date of this paragraph ... [LRB inserts date], for a crime other than a Class B felony may petition the sentencing court to adjust the sentence if the inmate has served at least the applicable percentage of the term of confinement in prison portion of the sentence. If an inmate is subject to more than one sentence imposed under this section, the sentences shall be treated individually for purposes of sentence adjustment under this subsection.

SECTION 3395r. 973.195 (1r) (j) of the statutes is created to read:

973.195 (1r) (j) An inmate who submits a petition under this subsection may not apply under s. 304.06 (1) (bg) 3. or 4. for release to extended supervision for any crime committed prior to the effective date of this paragraph ... [LRB inserts date].

SECTION 3395t. 973.20 (9m) of the statutes is repealed.

SECTION 3396. 974.07 (4) (b) of the statutes is amended to read:

974.07 (4) (b) Notwithstanding the limitation on the disclosure of mailing addresses from completed information cards submitted by victims under ss. 51.37 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f), 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4), the department of corrections, the parole earned release review commission, and the department of health services shall, upon request, assist clerks of court in obtaining information regarding the mailing address of victims for the purpose of sending copies of motions and notices of hearings under par. (a).

SECTION 3397. 976.03 (23) (c) of the statutes is amended to read:

976.03 (23) (c) The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by 2 certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to a judge, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole earned release review commission, warden or sheriff may also attach such further affidavits and other documents in duplicate as he, she or it deems proper to be submitted with the application. One copy of the application, with the action of the governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office

of the governor to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

SECTION 3398r. 977.02 (3) of the statutes is renumbered 977.02 (3) (intro.) and amended to read:

977.02 (3) (intro.) Promulgate rules regarding the determination of indigency of persons entitled to be represented by counsel, other than persons who are entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, including the time period in which the determination must be made and the criteria to be used to determine indigency and partial indigency. The rules shall specify that, in determining indigency, the representative of the state public defender shall do all of the following:

SECTION 3398t. 977.02 (3) (a) to (d) of the statutes are created to read:

977.02 (3) (a) Consider the anticipated costs of effective representation for the type of case in which the person seeks representation.

(b) Subject to par. (d), consider assets in the manner described in s. 49.145 (3) (a) and treat assets as available to the person to pay the costs of legal representation if they exceed the resource limitation under s. 49.145 (3) (a), except that the representative of the state public defender shall exclude only the first \$30,000 of the equity value of the home that serves as the person's homestead.

(c) Subject to par. (d), treat income as available to pay the costs of legal representation to the person only if it exceeds the income limitations in s. 49.145 (3) (b).

(d) Treat assets or income of the person's spouse as the person's assets or income, unless the spouse was the victim of a crime that the person allegedly committed.

SECTION 3399. 977.02 (9) of the statutes is created to read:

977.02 (9) Promulgate rules establishing the maximum fees that the state public defender may pay for copies, in any format, of materials that are subject to discovery in cases in which the state public defender or counsel assigned under s. 977.08 provides legal representation. In promulgating the rules under this subsection, the board shall consider information regarding the actual, necessary, and direct cost of producing copies of materials that are subject to discovery.

SECTION 3400. 977.05 (4) (jm) of the statutes is amended to read:

977.05 (4) (jm) At the request of an inmate determined by the state public defender to be indigent or upon referral of ~~a court~~ the department of corrections under s. ~~302.113 (9g) (j)~~ 302.1135 (10), represent the inmate in proceedings for modification of a ~~bifurcated~~ sentence under s. ~~302.113 (9g)~~ before a program review committee and the sentencing court 302.1135 before the earned release review commission, if the state public defender determines the case should be pursued.

SECTION 3400g. 977.06 (1) (a) of the statutes is amended to read:

977.06 (1) (a) Verify the information necessary to determine indigency under ~~s. 977.07 (2) rules promulgated under s. 977.02 (3)~~. The information provided by a person seeking assigned counsel that is subject to verification shall include any social security numbers provided on an application under sub. (1m), income records, value of assets, eligibility for public assistance, and claims of expenses.

SECTION 3400i. 977.06 (2) (a) of the statutes is amended to read:

977.06 (2) (a) A person seeking to have counsel assigned for him or her under s. 977.08, other than a person who is entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that he or she has not disposed of any assets for the purpose of qualifying for that assignment of counsel. If the representative or authority making the indigency determination finds that any asset was disposed of for less than its fair market value for the purpose of obtaining that assignment of counsel, the asset shall be counted under ~~s. 977.07 (2) rules promulgated under s. 977.02 (3)~~ at its fair market value at the time it was disposed of, minus the amount of compensation received for the asset.

SECTION 3400k. 977.07 (2) of the statutes is repealed.

SECTION 3400n. 977.085 (3) of the statutes is amended to read:

977.085 (3) The board shall provide quarterly reports to the joint committee on finance on the status of reimbursement for or recoupment of payments under ss. 48.275, 51.605, 55.107, 757.66, 938.275, 977.06, ~~977.07 (2)~~, 977.075 and 977.076, including the amount of revenue generated by reimbursement and recoupment. The quarterly reports shall include any alternative means suggested by the board to improve reimbursement and recoupment procedures and to increase the amount of revenue generated. The department of justice, district attorneys, circuit courts and applicable county agencies shall cooperate by providing any necessary information to the state public defender.

SECTION 3400p. 977.10 of the statutes is created to read:

977.10 Assistant state public defender retention pay. (1) Each fiscal year, the state public defender shall report to the attorney general the number of full-time equivalent assistant state public defender positions that are filled as of June 30th of that year.

(2) (a) In this subsection "amount per full-time equivalent position" means the amount transferred by the attorney general under s. 165.03 (2) (c) in a fiscal year divided by the number of full-time equivalent assistant state public defender positions that are filled as of June 30th of that year.

(b) If the attorney general transfers moneys under s. 165.03 (1) for retention pay in a fiscal year, the state public defender shall, from the appropriation under s. 20.550 (1) (kb), pay each individual who is a full-time equivalent assistant state public defender on June 30th the amount per full-time equivalent position and pay each individual who is less than a full-time equivalent assistant state public defender on June 30th a prorated amount of the amount per full-time equivalent position.

SECTION 3400s. 978.12 (1) (c) of the statutes is amended to read:

978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be employed outside the classified service. For purposes of salary administration, the director of the office of state employment relations shall establish one or more classifications for assistant district attorneys in accordance with the classification or classifications allocated to assistant attorneys general. Except as provided in sub. (7) (b) and s. 111.93 (3), the salaries of assistant district attorneys shall be established and adjusted in accordance with the state compensation plan for assistant attorneys general whose positions are allocated to the classification or classifications established by the director of the office of state employment relations.

SECTION 3400v. 978.12 (7) of the statutes is created to read:

978.12 (7) ASSISTANT DISTRICT ATTORNEY RETENTION PAY. (a) Each fiscal year, the secretary of administration shall report to the attorney general the number of full-time equivalent assistant district attorney positions that are filled as of June 30th of that year.

(b) 1. In this paragraph, "amount per full-time equivalent position" means the amount transferred by the attorney general under s. 165.03 (2) (b) in a fiscal year divided by the number of full-time equivalent assistant district attorney positions that are filled as of June 30th of that year.

2. If the attorney general transfers moneys under s. 165.03 (1) for retention pay in a fiscal year, the secretary of administration shall, from the appropriation under s. 20.475 (1) (kb) and subject to sub. (5) (c), pay each individual who is a full-time equivalent assistant district attorney on June 30th the amount per full-time equivalent position and pay each individual who is less than a full-time equivalent assistant district attorney on June 30th a prorated amount of the amount per full-time equivalent position.

SECTION 3401. 980.036 (10) of the statutes is amended to read:

980.036 (10) PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT RESPONDENTS. When the state public defender or a private attorney appointed under s. 977.08 requests copies, in any format, of any item that is discoverable under this section, the state public defender shall

pay any fee charged for the copies from the appropriation account under s. 20.550 (1) (a). If the person providing copies under this section charges the state public defender a fee for the copies, the fee may not exceed the actual, necessary, and, direct cost of providing the copies applicable maximum fee for copies of discoverable materials that is established by rule under s. 977.02 (9).

SECTION 3405. 980.11 (1) (b) of the statutes is amended to read:

980.11 (1) (b) "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 3405ay. 985.03 (1) (am) of the statutes is created to read:

985.03 (1) (am) Notwithstanding par. (a), a daily or weekly newspaper that is published at least 50 weeks of each year in a county having a population of 500,000 or more, has been published continuously for the past 10 years, has had a continuous circulation of at least 40,000 copies within the region for the past 10 years, as documented by a nationally recognized auditing company, and has the majority of its distribution within the county for which the legal notice is to be distributed, may be awarded and shall be entitled to any compensation or fee for the publishing of any legal notice.

SECTION 3405b. 985.03 (1) (c) of the statutes is amended to read:

985.03 (1) (c) A newspaper, under this chapter, is a publication appearing at regular intervals and at least once a week, containing reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. The definition includes a daily newspaper published in a county having a population of 500,000 or more, devoted principally to business news and publishing of records, which has been designated by the courts of record of the county for publication of legal notices for a period of 6 months or more. The definition also includes a daily or weekly newspaper that is published at least 50 weeks of each year in a county having a population of 500,000 or more, has been published continuously for the past 10 years, has had a continuous circulation of at least 40,000 copies within the region for the past 10 years, as documented by a nationally recognized auditing

company, and has the majority of its distribution within the county for which the legal notice is to be distributed.

SECTION 3405s. 992.14 of the statutes is amended to read:

992.14 Revenue limit agreement. Notwithstanding s. 121.91, if a school district held a referendum before February 5, 2001, to exceed its revenue limit under s. 121.91 (2m) ~~(e)~~, and the resolution adopted by the school board and referred to in the question submitted to the electors specified a mill rate to be used to calculate the revenue limit increase, the amount by which the school district's revenue limit is increased as a result of the referendum for each year specified in the referendum is the dollar amount agreed to by the department of public instruction and the school board of that school district.

SECTION 3406. 2005 Wisconsin Act 25, section 9101 (4) (b) and (c), as last amended by 2007 Wisconsin Act 20, section 3936, is amended to read:

[2005 Wisconsin Act 25] Section 9101 (4) (b) The department of administration may offer any parcel of state-owned real property for sale in accordance with section 16.848 of the statutes, as created by this act, if the property is eligible for sale under that section and this subsection. If the department of administration receives an offer to purchase the property, the secretary of administration may submit a report to the secretary of the building commission recommending acceptance of the offer. The report shall contain a description of the property and the reasons for the recommendation. The secretary of administration may recommend the sale of a property with or without approval of the state agency having jurisdiction of the property. If, during the period on or before June 30, 2007, ~~or the period beginning on the effective date of this paragraph~~ October 27, 2007, and ending on June 30, 2009, ~~or the period beginning on the effective date of this paragraph and ending on June 30, 2011~~, the building commission votes to approve the offer to purchase the property, the department of administration may sell the property.

(c) This subsection does not apply during the period beginning after June 30, 2007 and ending ~~the day before the effective date of this paragraph on October 26, 2007~~, nor during the period beginning after June 30, 2009, and ending before the effective date of this paragraph, nor during the period after June 30, 2011.

SECTION 3406m. 2005 Wisconsin Act 25, section 9105 (1) (h) 1. is amended to read:

(h) 1. *Projects financed by general fund supported borrowing:*

Madison —	
— Purchase of space at University Square project	\$ 39,850,000
(Total project all funding sources \$56,850,000)	
— Sterling Hall renovation	37,500,000
(Total project all funding sources \$39,500,000)	
Milwaukee — Golda Meir Library remodeling — Phase 1	3,508,000

(Total project all funding sources \$4,908,000)	
— Columbia St. Mary's Columbia campus medical facilities acquisition and remodel- ing	56,530,000
(Total project all funding sources \$112,120,000)	
Platteville — Tri-state initiative facilities	20,000,000
(Total project all funding sources \$51,615,000)	
Stevens Point — Waste Management laboratory	1,789,000
Stout — Jarvis science wing addition and remodeling	40,637,000 <u>48,737,000</u>
Superior — Jim Dan Hill Library renovation	4,500,000 <u>5,439,000</u>
(Total project all funding sources \$6,500,000)	
System — Classroom renovation/instructional technology	7,000,000
— Utility Improvements — 3 campuses	21,008,000
(Total project all funding sources \$28,600,000)	
Whitewater — College of Business and Economics building	35,549,000
(Total project all funding sources \$41,039,000)	

SECTION 3406p. 2005 Wisconsin Act 25, section 9105 (9), as last affected by 2007 Wisconsin Act 20, section 3936m, is repealed.

SECTION 3407. 2005 Wisconsin Act 25, section 9152 (5), as last affected by 2007 Wisconsin Act 20, section 3937, is renumbered 36.335 of the statutes and amended to read:

36.335 Sale of real property other land; buildings and structures. ~~If Except as provided in s. 36.33, if the Board of Regents of the University of Wisconsin System sells any real property under its jurisdiction during the period prior to July 1, 2007, and the period beginning on the effective date of this subsection~~ October 27, 2007, and ending on June 30, 2009, ~~and the period beginning on the effective date of this section~~ [LRB inserts date], the board shall credit the net proceeds of the sale to the appropriation account under section s. 20.285 (1) (iz) of the statutes, as affected by this act, except that if there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold, the board shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and redemption fund under section s. 18.09 of

~~the statutes~~ to repay the principal and pay the interest on the debt, and any premium due upon refunding any of the debt. If the property was acquired, constructed, or improved with federal financial assistance, the board shall pay to the federal government any of the net proceeds required by federal law. If the property was acquired by gift or grant or acquired with gift or grant funds, the board shall adhere to any restriction governing use of the proceeds.

SECTION 3408. 2005 Wisconsin Act 25, section 9155 (1w) (b), as last affected by 2007 Wisconsin Act 5, is amended to read:

[2005 Wisconsin Act 25] Section 9155 (1w) (b) On June 30, ~~2009, 2011,~~ the secretary of administration shall eliminate up to 13.0 FTE attorney positions in all state agencies that are vacant on that date ~~are eliminated. If fewer than 13.0 FTE attorney positions in all state agencies are vacant on June 30, 2009, there are eliminated the requisite number of FTE attorney positions, as identified by the secretary of administration, so that a total of 13.0 FTE attorney positions are eliminated.~~

SECTION 3409. 2007 Wisconsin Act 20, section 1878d is repealed.

SECTION 3409n. 2007 Wisconsin Act 20, section 9105 (1) (a) 1. and 2. and (d) 1. are amended to read:
[2007 Wisconsin Act 20] Section 9105 (1)

(a) 1. *Projects financed by existing general fund supported borrowing authority:*

 Preservation and storage facility — ~~Dane County~~ Madison \$ 15,000,000

(Total project all funding sources \$25,000,000)

2. *Projects financed by program revenue supported borrowing:*

 General Executive Facility 3 renovation — Madison 5,304,000

 Preservation and storage facility — ~~Dane County~~ Madison ~~10,000,000~~ 2,000,000

(Total project all funding sources \$25,000,000)

 State Transportation Building replacement — Madison 50,000,000

(d) 1. *Projects financed by general fund supported borrowing:*

Sand Ridge Secure Treatment Center 300-bed <u>200-bed</u> addition and support facilities	\$ 34,000,000 <u>25,084,700</u>
Wisconsin Resource Center 45-bed female treatment unit	11,056,000 <u>18,103,700</u>

SECTION 3409p. 2007 Wisconsin Act 20, section 9105 (1) (j) 1., 3. and 7. are amended to read:
[2007 Wisconsin Act 20] Section 9105 (1)

<i>(j) 1. Projects financed by general fund supported borrowing:</i>	
Green Bay — Rose and Wood halls remodeling	\$ 6,734,000
La Crosse — Academic building	36,950,000
(Total project all funding sources \$44,000,000)	
Madison — School of Human Ecology addition	22,500,000
(Total project all funding sources \$47,950,000)	
Oshkosh — Academic building	45,946,000
(Total project all funding sources \$54,296,000)	
— Elmwood Center remodeling and addition or replacement	8,464,000
Parkside — Communications Arts Center	35,300,000
(Total project all funding sources \$37,376,000)	
Stout — Harvey Hall theater renovation	5,139,000
Superior — Academic building	24,143,000 <u>29,143,000</u>
(Total project all funding sources \$32,343,000)	
System — Classroom renovation/instructional technology	3,500,000
— Utility Improvements — Madison	19,889,000
(Total project all funding sources \$24,704,000)	
<i>3. Projects financed by program revenue supported borrowing:</i>	
Eau Claire — Davies Center addition and remodeling or replacement	31,406,600
(Total project all funding sources \$48,802,000)	
Extension — Lowell Hall guest room remodeling — Madison	3,600,000
La Crosse — Academic building	700,000
(Total project all funding sources \$44,000,000)	
Madison — Parking ramps 36 and 46 expansion	4,432,000
(Total project all funding sources \$7,132,000)	
— Chadbourne Residence Hall renovation — Phase 3 and Barnard Residence Hall renovation	14,627,000
— School of Human Ecology addition	2,950,000
(Total project all funding sources \$47,950,000)	
— Union South replacement	85,700,000
(Total project all funding sources \$87,700,000)	
— Memorial Union Theater wing renovation	40,500,000
(Total project all funding sources \$52,000,000)	
Oshkosh — Academic building	350,000
(Total project all funding sources \$54,296,000)	
— Suite style residence hall	34,000,000
Parkside — Suite style residence hall	17,740,000
Platteville — Williams Field House addition and remodeling	3,727,000
River Falls — George Fields South Forks Residence Hall addition	14,714,000 <u>18,935,000</u>
Stevens Point — Residence halls renovation	19,995,000
— Suite style residence hall	36,205,000
Stout — Price Commons 2nd floor renovation	2,429,000
(Total project all funding sources \$3,079,000)	
System — Utility Improvements — Madison	4,815,000
(Total project all funding sources \$24,704,000)	

Whitewater — Drumlin Dining Hall renovation	1,275,000
— Suite style residence hall	35,728,000
7. <i>Projects financed by gifts, grants, and other receipts:</i>	
La Crosse — Academic building	6,000,000
(Total project all funding sources \$44,000,000)	
— Stadium and fields	12,112,000
(Total project all funding sources \$14,612,000)	
Madison — Music performance building	43,865,000
— School of Human Ecology addition	22,500,000
(Total project all funding sources \$47,950,000)	
— Union South replacement	2,000,000
(Total project all funding sources \$87,700,000)	
— Memorial Union theater wing renovation	11,500,000
(Total project all funding sources \$52,000,000)	
Oshkosh — Academic building	8,000,000
(Total project all funding sources \$54,296,000)	
— Softball stadium	500,000
Parkside — Communications Arts Center	2,076,000
(Total project all funding sources \$37,376,000)	
Superior — Academic building	7,000,000 <u>2,000,000</u>
(Total project all funding sources \$32,343,000)	
Whitewater — Multisport facility — Phase 3	3,474,000

SECTION 3410. 2007 Wisconsin Act 20, section 9121 (6d) is renumbered 253.16 of the statutes, and 253.16 (2), (3) (intro.), (c) and (e) and (4) (intro.), (b) and (c), as renumbered, are amended to read:

253.16 (2) In a county with a population of at least 190,000 but less than 230,000, from the appropriation account under section s. 20.435 (5) (1) (eu) of the statutes, ~~as created by this act, the department of health and family services shall distribute \$250,000~~ award a grant in each state fiscal year year to the city health department to provide a program of services to reduce fetal and infant mortality and morbidity.

(3) (intro.) Notwithstanding section s. 251.08 of the statutes, in implementing the program under ~~paragraph (b) sub. (2)~~, the city health department shall, directly or by contract, do all of the following in or on behalf of areas of the county that are encompassed by the zip codes 53402 to 53406 and that are at risk for high fetal and infant mortality and morbidity, as determined by the department of health and family services:

(c) Develop and implement models of care for all women in the areas who meet risk criteria, as specified by the department of health and family services, and provide comprehensive prenatal and postnatal care coordination and other services, including home visits, by registered nurses who are public health nurses or who meet the qualifications of public health nurses, as specified in section s. 250.06 (1) of the statutes, or by social workers, as defined in section s. 252.15 (1) (er) of the statutes.

(e) Evaluate the quality and effectiveness of the services provided under ~~subdivisions 3. and 4. pars. (c) and (d)~~.

(4) (intro.) ~~the~~ The city health department shall prepare a report on fetal and infant mortality and morbidity in areas of the county that are encompassed by the zip codes 53402 to 53406. The report shall be derived, at least in part, from a multidisciplinary review of all fetal and infant deaths in the relevant year and shall specify causation found for the mortality and morbidity. The city health department shall submit the report to all of the following:

(b) The department of health and family services.

(c) The legislature, in the manner provided under ~~section s. 13.172 (3) of the statutes~~.

SECTION 3411. 2007 Wisconsin Act 20, section 9122 (1) is repealed.

SECTION 3412. 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

[2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary of administration shall lapse to the general fund or transfer to the general fund from the unencumbered balances of appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$200,000,000 during the 2007–09 fiscal biennium ~~and \$200,000,000 during the 2009–11 fiscal biennium~~. This

paragraph shall not apply to appropriations to the Board of Regents of the University of Wisconsin System and to the technical college system board.

SECTION 3413. 2007 Wisconsin Act 20, section 9201 (1c) (b) is amended to read:

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

SECTION 3414. 2007 Wisconsin Act 20, section 9201 (1c) (c) is amended to read:

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

SECTION 3415. 2007 Wisconsin Act 20, section 9441 (6n) is repealed.

SECTION 3416b. 2009 Wisconsin Act 2, section 9122 (1) (d) is amended to read:

[2009 Wisconsin Act 2] Section 9122 (1) (d) *Independent rural hospital supplement.* In state fiscal year 2008-09, from the appropriation account under section 20.435 (4) (b) of the statutes and, if the federal government authorizes federal financial participation under the federal Medicaid program for payments under this paragraph, from the appropriation account under section 20.435 (4) (o) of the statutes, the department of health services shall pay independent, rural, hospitals that are in counties that border another state and that are not critical access hospitals one of the following amounts:

1. If the percentage of the hospital's gross patient revenue that is attributable to the Medical Assistance Program under subchapter IV of chapter 49 of the statutes is less than 7 percent, ~~\$250,000~~ \$750,000.

2. If the percentage of the hospital's gross patient revenue that is attributable to the Medical Assistance Program under subchapter IV of chapter 49 of the statutes is equal to or greater than 7 percent, ~~\$500,000~~ \$1,000,000.

SECTION 3416bg. 2009 Wisconsin Act 2, section 9131 (1) (b) is amended to read:

[2009 Wisconsin Act 2] Section 9131 (1) (b) *Expenditure of federal economic stimulus funds for purposes*

other than transportation. As soon as practical after the receipt of any federal economic stimulus funds, the governor shall submit to the joint committee on finance a plan or plans for the expenditure of the federal economic stimulus funds for all purposes, other than transportation purposes. After receiving the plan or plans, the cochairpersons of the joint committee on finance may direct the governor to implement the plan or plans. In lieu of directing the governor to implement the plan or plans, the cochairpersons shall convene a meeting of the joint committee on finance within 14 days after the plan or plans are submitted to either approve or modify and approve the plan or plans. The governor shall then implement the plan or plans as approved by the committee. This paragraph shall not apply to federal economic stimulus funds the expenditure of which is contained in ~~any bill introduced in either house of the legislature at the request of the governor~~ the 2009-11 biennial budget act.

SECTION 3416br. 2009 Wisconsin Act 2, section 9131 (1) (c) is amended to read:

[2009 Wisconsin Act 2] Section 9131 (1) (c) *Expenditure of federal economic stimulus funds for transportation purposes.* As soon as practical after the receipt of any federal economic stimulus funds, the governor shall submit to the joint committee on finance a plan or plans for the expenditure of the federal economic stimulus funds for transportation purposes. After receiving the plan or plans, the cochairpersons of the joint committee on finance may direct the governor to implement the plan or plans. In lieu of directing the governor to implement the plan or plans, the cochairpersons shall convene a meeting of the joint committee on finance within 14 days after the plan or plans are submitted to either approve or modify and approve the plan or plans. The governor shall then implement the plan or plans as approved by the committee. This paragraph shall not apply to federal economic stimulus funds the expenditure of which is ~~contained in any bill introduced in either house of the legislature at the request of the governor, including federal economic stimulus funds~~ specified in SECTION 9150 (1) (b) 1. or contained in the 2009-11 biennial budget act.

SECTION 3416d. 2009 Wisconsin Act 2, section 9201 (1) (b) is amended to read:

[2009 Wisconsin Act 2] Section 9201 (1) (b) Notwithstanding section 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (c), the secretary of administration shall lapse or transfer to the general fund from the unencumbered balances of appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$125,000,000 before July 1, 2011, ~~less the amount lapsed under paragraph (c) 3.~~ The amounts lapsed or transferred under this paragraph shall be in addition to the amounts lapsed or transferred under 2007 Wisconsin Act 20, section 9201 (1c) (a) to (c). The amount required to be lapsed or transferred under this

paragraph is increased by an additional \$354,807,600 from available balances in appropriations and funds.

SECTION 3416f. 2009 Wisconsin Act 2, section 9201 (1) (c) 3. is amended to read:

[2009 Wisconsin Act 2] Section 9201 (1) (c) 3. The cochairpersons of the joint committee on legislative organization shall take actions before July 1, 2011, to ensure that from general purpose revenue appropriations to the legislature under section 20.765 of the statutes an amount equal to \$500,000 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both. The amount required to be lapsed or subtracted under this subdivision is increased by an additional \$12,205,000.

SECTION 3416fm. 2009 Wisconsin Act 15, section 31 (1) (a) 2. is amended to read:

[2009 Wisconsin Act 15] Section 31 (1) (a) 2. "County department" means the Milwaukee County department of social services under section ~~49.215~~ 46.215 of the statutes.

SECTION 3416g. 2009 Wisconsin Act 19, section 12 (2) is repealed.

SECTION 3416h. 2009 Wisconsin Act 19, section 13 (1) is amended to read:

[2009 Wisconsin Act 19] Section 13 (1) CHILD SAFETY ALARMS IN CHILD CARE VEHICLES. ~~Except as provided in subsection (2), this~~ This act first applies to a child care vehicle, as defined in section 48.658 (1) (b) of the statutes, as created by this act, that is used to transport children to or from a child care provider, as defined in section 48.658 (1) (a) of the statutes, as created by this act, on the effective date of this subsection.

SECTION 3416i. 2009 Wisconsin Act 19, section 13 (2) is repealed.

SECTION 3416j. 2009 Wisconsin Act 19, section 14 (intro.) is amended to read:

[2009 Wisconsin Act 19] Section 14 **Effective dates.** (intro.) This act takes effect on ~~the first day of the 12th month beginning August 1, 2009, or on the day after publication of the 2009-11 biennial budget act, whichever is later,~~ except as follows:

SECTION 9101. Nonstatutory provisions; Administration.

(1f) LOW-INCOME ASSISTANCE.

(a) In this subsection:

1. "Department" means the department of administration.

2. "Electric utility" has the meaning given in section 16.957 (1) (g) of the statutes.

2m. "Federal economic stimulus funds" means federal moneys received by the state, pursuant to federal legislation enacted during the 111th Congress for the purpose of reviving the economy of the United States.

3. "Low-income assistance fee" means the fee that electric utilities are required to charge customers under section 16.957 (4) (a) of the statutes.

3m. "Stimulus portion" means the portion of moneys received under 42 USC 6861 to 6873 and 42 USC 8621 to 8629 in a fiscal year that is attributable to, as determined by the secretary of administration, the federal economic stimulus funds received in that fiscal year.

(b) Notwithstanding section 16.957 (4) (c) of the statutes, \$9,139,700 shall be added to the amounts collected for low-income assistance fees for a fiscal year under the rules promulgated under section 16.957 (4) (b) of the statutes. The department shall take the actions it determines are necessary to ensure that electric utilities charge customers the additional amounts for low-income assistance fees required under this paragraph.

(c) Paragraph (b) applies to fiscal years 2009-10 and 2010-11.

(cm) Notwithstanding section 16.957 (4) (c) 1. of the statutes, in determining the amount of the low-income assistance fee for fiscal years 2009-10 and 2010-11, the stimulus portion received in the fiscal year shall be deducted from the sum of the amounts specified in section 16.957 (4) (c) 1. a. to c. of the statutes for that fiscal year.

(dm) In fiscal years 2009-10 and 2010-11, in determining whether the amount required under section 16.957 (2) (a) of the statutes, as affected by this act, is spent for weatherization or other energy conservation services, the amount of the stimulus portion spent for those purposes shall not be considered.

(3) ALTERNATIVES TO PROSECUTION AND INCARCERATION FOR PERSONS WHO USE ALCOHOL OR DRUGS. For each of calendar years 2010 and 2011, the office of justice assistance shall award the county with the highest crime rate among counties having a population of 500,000 or more, as reported by the office, a grant under section 16.964 (12) (b) of the statutes, as affected by this act, in the amount of \$371,200 if the county submits to the office by December 1 of the preceding year an application that demonstrates that the county shall use the grant funds to implement a program that satisfies the conditions under section 16.964 (12) (c) of the statutes. Notwithstanding section 16.964 (12) (b) of the statutes, as affected by this act, the office of justice assistance shall make the grant under this subsection from the appropriation under section 20.505 (6) (n) of the statutes.

(4) ASSESS, INFORM, AND MEASURE GRANT.

(a) From the appropriation under section 20.505 (6) (n) of the statutes, the office of justice assistance shall provide the county that has the highest crime rate among counties having a population of 500,000 or more, as reported by the office, \$495,000 in each of calendar years 2010 and 2011 to conduct presentencing assessments if

the county submits to the office by December 1 of the preceding year a plan that provides for all of the following:

1. Identification of a target group of offenders, from among persons who are convicted of a Class F, G, H, or I felony or a misdemeanor, whom the county shall assess.

2. Assessment of offenders in the target group to determine the risk that they will commit further crimes, their needs that are directly related to criminal behavior, the likelihood that they will respond positively to community-based treatment for the assessed needs, and an assessment of the availability of community-based treatment programs to serve the offenders.

3. Collection and dissemination of information relating to the accuracy of assessments performed, the value and usefulness of information contained in the assessment reports for purposes of making sentencing decisions, the effectiveness of community-based treatment programs in addressing the assessed needs of offenders, and the effect of the treatment programs with respect to recidivism.

4. Annual evaluation of the plan.

(b) At least 50 percent of the assessments performed by a county with funding provided under this subsection shall be of persons subject to sentencing in connection with a felony.

(5) WISCONSIN COVENANT SCHOLARS PROGRAM.

(a) *Rules.* The department of administration shall submit in proposed form the rules required under section 39.437 (5) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 12th month beginning after the effective date of this paragraph.

(b) *Emergency rules.* Using the procedure under section 227.24 of the statutes, the department of administration may promulgate the rules required under section 39.437 (5) of the statutes, as affected by this act, for the period before the effective date of the permanent rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of administration is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

(6) YOUTH DIVERSION GRANT REDUCTIONS.

(a) Notwithstanding the amount specified under section 16.964 (8) (a) of the statutes, the office of justice assistance in the department of administration shall reduce the amount of money allocated under section 16.964 (8) (a) of the statutes by \$20,400 in each of fiscal years 2009-10 and 2010-11.

(b) Notwithstanding the amounts specified under section 16.964 (8) (c) of the statutes, the office of justice

assistance in the department of administration shall reduce the amount of money allocated for each of the 4 contracts that are funded with moneys from the appropriation accounts under section 20.505 (1) (kh) of the statutes, as created by this act, and section 20.505 (6) (d) and (kj) of the statutes by \$11,800 in each of fiscal years 2009-10 and 2010-11 and shall reduce the amount of money allocated for the contract that is funded only with moneys from the appropriation account under section 20.505 (6) (kj) of the statutes by \$9,000 in each of fiscal years 2009-10 and 2010-11.

(6f) GRANT FOR JUVENILE CRIME PREVENTION. Beginning on January 1, 2011, from the appropriation accounts under section 20.505 (6) (n) or (p) of the statutes, the office of justice assistance in the department of administration shall provide a 3-year grant, totaling \$112,500 to the Cops-N-Kids Reading Program in the city of Racine.

(6g) BYRNE JUSTICE ASSISTANCE GRANTS. The office of justice assistance in the department of administration shall distribute \$338,900 in fiscal year 2009-10 and \$432,300 in fiscal year 2010-11 of the federal Byrne Justice Assistance Grant awards appropriated under section 20.505 (6) (n) of the statutes to the department of corrections under section 20.410 (1) (kx) of the statutes to expand the earned release program at the Robert E. Ellsworth Correctional Center and the operating while intoxicated program at the Drug Abuse Correctional Center.

(8c) TRANSFER OF HUMAN RESOURCES STAFF TO THE OFFICE OF EMPLOYMENT RELATIONS.

(a) In this subsection, "executive branch state agency" means any office, department, or independent agency in the executive branch of state government, other than the Board of Regents of the University of Wisconsin System, the department of employee trust funds, the department of justice, the investment board, the department of public instruction, the office of the state public defender, and the office of any district attorney.

(b) Before July 1, 2011, the secretary of administration may develop a proposal for the consolidation of the human resources functions of executive branch state agencies in the office of state employment relations. The proposal shall specifically identify all authorized FTE positions to executive branch state agencies that are responsible for the performance of human relations functions for those agencies, and shall calculate the number of FTE positions to be transferred to the office of state employment relations to perform the human relations functions for executive branch state agencies and the number of FTE positions to be abolished.

(c) If the secretary of administration develops a proposal under paragraph (b), the secretary shall submit the proposal, in writing, to the joint committee on finance. If the cochairpersons of the joint committee on finance do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposal

within 14 working days after the date of receipt of the proposal, the secretary may implement the proposal. If, within 14 working days after the date of receipt of the proposal, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposal, the secretary may implement the proposal only on approval of the committee.

(d) Employees transferred to the office of state employment relations pursuant to a proposal approved under paragraph (c) shall have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the office of state employment relations that they enjoyed in the executive branch state agencies from which they were transferred immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(e) The authorized FTE positions for the office of state employment relations, funded from the appropriation under section 20.545 (1) (k) of the statutes, as affected by this act, are increased by the number of individuals transferred to the office of state employment relations under paragraph (c), for the purpose of providing human resources services to state agencies. Such positions shall be PR positions.

(f) Before July 1, 2011, if any employees are transferred under paragraph (c), the secretary of administration shall submit to the cochairpersons of the joint committee on finance a report on the implementation of the transfer of employees who perform human relations functions to the office of state employment relations.

(10) CHILD ADVOCACY CENTER GRANT REDUCTIONS. Notwithstanding the amount specified under section 16.964 (14) (intro.) of the statutes, the office of justice assistance in the department of administration shall reduce the amount of money provided for each of the child advocacy centers listed in section 16.964 (14) (a) to (n) of the statutes by \$200 in each of fiscal years 2009-10 and 2010-11.

(11x) GENERATOR FOR THE TOWN OF OAKLAND. From the appropriation under section 20.505 (6) (mb) of the statutes, the office of justice assistance shall award a grant of \$10,000 to the town of Oakland in Jefferson County in the first fiscal year of the fiscal biennium in which this subsection takes effect for the purchase of an emergency generator.

(11y) RULE-MAKING RELATED TO TRAFFIC STOP INFORMATION COLLECTION AND ANALYSIS. The office of justice assistance in the department of administration shall submit in proposed form the rules required under section 16.964 (16) (b) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than February 1, 2010.

(12x) REPORT RELATED TO TRAFFIC STOP INFORMATION COLLECTION AND ANALYSIS.

(a) In this subsection:

1. "Program costs" means the costs to implement and administer the requirements to collect traffic stop information under sections 16.964 (16) and 349.027 of the statutes, as created by this act.

2. "System" means an information technology system to implement the traffic stop information collection required under sections 16.964 (16) and 349.027 of the statutes, as created by this act.

(b) The secretary of administration shall submit a report to the joint committee on finance addressing all of the following:

1. The feasibility of developing the system.

2. The estimated initial development costs for the system and how the cost estimates were derived.

3. The estimated ongoing costs for the system and how the cost estimates were derived.

4. Timelines for development of the system.

5. The estimated costs to each participating state and local law enforcement agency, on a one-time and on an ongoing basis, to acquire any necessary system hardware and software, for any necessary communication lines, and for program costs.

6. The estimated costs to the office of justice assistance in the department of administration, on a one-time and on an ongoing basis, to acquire any necessary system hardware and software, for system maintenance, for any necessary communication lines, for staffing to compile and analyze the traffic stop information and produce any required reports, for staffing to administer the office's other responsibilities under section 16.964 (16) of the statutes, as created by this act, and for any other program costs.

7. Funding sources for the system and program costs sufficient to cover estimated system and program costs.

(c) If the cochairpersons of the joint committee on finance do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the report submitted under paragraph (b) within 14 working days after the date that the report is submitted, the report is approved. If, within 14 working days after the date that the report is submitted, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the report submitted under paragraph (b), the report is not approved. System development may not begin prior to the approval of the report, as originally submitted, or as modified by the joint committee on finance.

(13f) RESTORATIVE JUSTICE GRANT. From the appropriation to the department of administration under section 20.505 (6) (br), as created by this act, the office of justice assistance shall award \$50,000 to Restorative Justice Programs, Inc., in the first fiscal year of the fiscal

biennium in which this subsection takes effect for restorative justice programs.

SECTION 9103. Nonstatutory provisions; Agriculture, Trade and Consumer Protection.

(1) EMERGENCY RULES: WEIGHTS AND MEASURES. The department of agriculture, trade and consumer protection may promulgate rules to establish the initial amount of a fee or surcharge under section 98.16 (3) (intro.) of the statutes, as affected by this act, or sections 98.16 (2m) (a) or (b), 98.224 (2) (c) 1., 2., or 3., 98.245 (7m) (c) 1., 2., or 3., or 98.255 (2) of the statutes, as created by this act, as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until January 1, 2011, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(1f) SOIL AND WATER MANAGEMENT FUNDING. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 2011-13 biennial budget bill, the department of agriculture, trade and consumer protection shall submit information concerning the appropriation under section 20.115 (7) (qf) of the statutes as though the amount appropriated for the 2010-11 fiscal year had been \$308,000 more than was actually appropriated.

(2) VEHICLE TANK METER LICENSE SURCHARGE. Notwithstanding section 98.224 (2) (c) 2. of the statutes, as created by this act, the department of agriculture, trade and consumer protection may not collect a surcharge from an applicant who has operated a vehicle tank meter without a license unless the unlicensed operation occurred after the effective date of this subsection.

(2f) PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT RULES. Using the procedure under section 227.24 of the statutes, the department of agriculture, trade and consumer protection may promulgate the rule required under section 93.73 (14) of the statutes, as created by this act, for the period before the effective date of the permanent rule, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

(3) AGRICULTURAL AND VEGETABLE SEED RULES. The department of agriculture, trade and consumer protection

may use the procedure under section 227.24 of the statutes, to promulgate the rules required under section 94.45 (6) of the statutes, as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until the first day of the 24th month beginning after the effective date of this subsection, or the date on which permanent rules are promulgated, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to determine that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3f) GRANTS FOR AGRICULTURAL FACILITIES. During the 2009-11 fiscal biennium, the department of agriculture, trade and consumer protection may do any of the following with the encumbered moneys in the appropriation account under section 20.115 (4) (qm) of the statutes, as affected by this act, notwithstanding the purpose for which the moneys were originally encumbered:

(a) Make grants for the construction of soybean crushing facilities with the capacity to process more than 20,000,000 bushels of soybeans per year.

(b) Make a grant to a dairy cooperative with headquarters in this state for the construction of additional cheese-making facilities with the capacity to enable the processing of an additional 1,500,000 pounds of milk per day.

(c) Make a grant of \$200,000 for the manufacturing of anaerobic digesters that are cost-effective for small farms.

(d) Make a grant of \$200,000 for diversification of cheese-making capabilities.

(3g) COUNTY AND DISTRICT FAIR AIDS. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 2011-13 biennial budget bill, the department of agriculture, trade and consumer protection shall submit information concerning the appropriation under section 20.115 (4) (b) of the statutes as though the amount appropriated for the 2010-11 fiscal year had been \$396,000.

(4i) LAND AND WATER CONSERVATION BOARD REPORT. The land and water conservation board, the department of agriculture, trade and consumer protection, and the department of natural resources shall investigate the board's responsibilities and authorities and shall, before January 1, 2010, report, to the governor, the joint committee on finance, and the appropriate standing committees of the legislature, recommendations for changes in those responsibilities and authorities to reflect changes in this state's soil and water programs.

SECTION 9106. Nonstatutory provisions; Building Commission.

(1) 2009-11 AUTHORIZED STATE BUILDING PROGRAM.
For the fiscal years beginning on July 1, 2009, and ending

on June 30, 2011, the Authorized State Building Program
is as follows:

(a) DEPARTMENT OF ADMINISTRATION	
1. <i>Projects financed by general fund supported borrowing:</i>	
Consolidated laboratory — Madison	\$ 20,850,000
(Total project all funding sources \$28,535,000)	
Preservation and storage facility — Madison	8,000,000
(Total project all funding sources \$25,000,000)	
2. <i>Projects financed by existing general fund supported borrowing authority:</i>	
Preservation and storage facility — Madison	15,000,000
(Total project all funding sources \$25,000,000)	
3. <i>Projects financed by program revenue supported borrowing:</i>	
Consolidated laboratory — Madison	7,685,000
(Total project all funding sources \$28,535,000)	
One West Wilson State Office Building envelope repair — Madison	12,632,000
Capitol Heat and Power Plant boiler conversion — Madison	25,602,600
4. <i>Projects financed by existing program revenue supported borrowing authority:</i>	
Preservation and storage facility — Madison	2,000,000
(Total project all funding sources \$25,000,000)	
5. <i>Agency totals:</i>	
General fund supported borrowing	28,850,000
Existing general fund supported borrowing authority	15,000,000
Program revenue supported borrowing	45,919,600
Existing program revenue supported borrowing authority	<u>2,000,000</u>
Total — All sources of funds	\$ 91,769,600
(b) DEPARTMENT OF CORRECTIONS	
1. <i>Projects financed by general fund supported borrowing:</i>	
Taycheedah Correctional Institution Segregation and Special Management Unit expansion	\$ 5,697,300
(Total project all funding sources \$7,564,900)	
2. <i>Projects financed by existing general fund supported borrowing authority:</i>	
Taycheedah Correctional Institution Segregation and Special Management Unit expansion	1,867,600
(Total project all funding sources \$7,564,900)	
3. <i>Projects financed by program revenue supported borrowing:</i>	
Fox Lake Correctional Institution — methane digester	5,442,900
4. <i>Agency totals:</i>	
General fund supported borrowing	5,697,300
Existing general fund supported borrowing authority	1,867,600
Program revenue supported borrowing	<u>5,442,900</u>
Total — All sources of funds	\$ 13,007,800
(c) DEPARTMENT OF MILITARY AFFAIRS	
1. <i>Projects financed by general fund supported borrowing:</i>	
Helicopter parking and taxiways repair and expansion — Madison	\$ 4,429,100
(Total project all funding sources \$54,589,200)	
Field Maintenance Shop #13 — Wausau	1,213,700
(Total project all funding sources \$12,767,500)	
Armory — Wisconsin Rapids	13,000,000
(Total project all funding sources \$41,400,000)	

2. <i>Projects financed by existing general fund supported borrowing authority:</i>	
Helicopter parking and taxiways repair and expansion — Madison	600,000
(Total project all funding sources \$54,589,200)	
Field Maintenance Shop #13 — Wausau	385,800
(Total project all funding sources \$12,767,500)	
3. <i>Projects financed by federal funds:</i>	
Armory — Wisconsin Rapids	28,400,000
(Total project all funding sources \$41,400,000)	
Helicopter parking and taxiways repair and expansion — Madison	49,560,100
(Total project all funding sources \$54,589,200)	
Field Maintenance Shop #13 — Wausau	11,168,000
(Total project all funding sources \$12,767,500)	
4. <i>Agency totals:</i>	
General fund supported borrowing	18,642,800
Existing general fund supported borrowing authority	985,800
Federal funds	<u>89,128,100</u>
Total — All sources of funds	\$ 108,756,700
(d) DEPARTMENT OF NATURAL RESOURCES	
1. <i>Projects financed by existing general fund supported borrowing authority — stewardship property development and local assistance funds:</i>	
Governor Thompson State Park Phase II development	\$ 2,722,200
Rib Mountain State Park entrance and visitor station and park development	6,116,900
Entrance and visitor stations — Black River State Forest and Lake Kegonsa State Park	1,611,800
2. <i>Projects financed by segregated fund supported borrowing:</i>	
Wild Rose State Fish Hatchery renovation — Phase 3	1,979,700
Fire-control heavy-unit drive-thru vehicle storage garages — Boscobel, Brule, Poynette, and Wausaukee	2,889,500
Vehicle maintenance and equipment storage building — Jackson County	778,400
3. <i>Agency totals:</i>	
Existing general fund supported borrowing authority — Stewardship property development and local assistance funds	10,450,900
Segregated fund supported borrowing	<u>5,647,600</u>
Total — All sources of funds	\$ 16,098,500
(e) STATE HISTORICAL SOCIETY	
1. <i>Projects financed by general fund supported borrowing:</i>	
Multiple historic sites initiative — Statewide	\$ 6,960,000
(Total project all funding sources \$14,128,500)	
2. <i>Projects financed by gifts, grants, and other receipts:</i>	
Multiple historic sites initiative — Statewide	7,168,500
(Total project all funding sources \$14,128,500)	
3. <i>Agency totals:</i>	
General fund supported borrowing	6,960,000
Gifts, grants, and other receipts	<u>7,168,500</u>
Total — All sources of funds	\$ 14,128,500
(f) DEPARTMENT OF TRANSPORTATION	
1. <i>Projects financed by segregated fund supported revenue borrowing:</i>	
Division of State Patrol gap filler towers — Statewide Phase 3	\$ 2,180,200

Green Bay Division of Motor Vehicles Service Center renovation	1,164,300
Truax Complex addition and security modifications — Madison	615,400
<i>2. Agency totals:</i>	
Segregated fund supported revenue borrowing	3,959,900
Total — All sources of funds	\$ 3,959,900
<i>(g) UNIVERSITY OF WISCONSIN SYSTEM</i>	
<i>1. Projects financed by general fund supported borrowing:</i>	
Eau Claire — Education building	\$ 44,000,000
<i>(Total project all funding sources \$44,500,000)</i>	
Madison —	
— Utility improvements	70,021,800
<i>(Total project all funding sources \$78,374,000)</i>	
— Wisconsin Energy Institute	50,000,000
<i>(Total project all funding sources \$100,000,000)</i>	
— Wisconsin Institutes for Medical Research	67,400,000
<i>(Total project all funding sources \$134,800,000)</i>	
Milwaukee — Utility improvements	5,449,200
<i>(Total project all funding sources \$6,419,000)</i>	
Stevens Point — Utility improvements	1,000,000
<i>(Total project all funding sources \$7,725,000)</i>	
— Waste Management Center	2,761,000
<i>(Total project all funding sources \$4,550,000)</i>	
System — Classroom renovation/instructional technology	5,000,000
<i>2. Projects financed by existing general fund supported borrowing authority:</i>	
Stevens Point — Waste Management Center	1,789,000
<i>(Total project all funding sources \$4,550,000)</i>	
<i>3. Projects financed by program revenue supported borrowing:</i>	
La Crosse — Residence hall	44,500,000
<i>(Total project all funding sources \$49,500,000)</i>	
Madison — Charter Street heating and cooling plant renovation and addition	250,636,600
— Gordon Commons relocation, parking, and offices	
— Phases 1 and 2	37,543,000
<i>(Total project all funding sources \$41,305,000)</i>	
— Lakeshore Residence Hall and food service	57,775,000
<i>(Total project all funding sources \$59,463,000)</i>	
— 21 North Park Street office building purchase	38,546,000
— Utility improvements	8,352,200
<i>(Total project all funding sources \$78,374,000)</i>	
— West campus athletic facilities	3,973,500
<i>(Total project all funding sources \$7,947,000)</i>	
Milwaukee — Utility improvements	969,800
<i>(Total project all funding sources \$6,419,000)</i>	
Platteville — Residence hall upgrades	10,000,000
— Storage facility	284,000
<i>(Total project all funding sources \$1,700,000)</i>	
— Williams Field House addition	4,500,000
<i>(Total project all funding sources \$11,700,000)</i>	
River Falls — Ramer Field renovation	500,000
<i>(Total project all funding sources \$3,987,000)</i>	
— Hagestad Hall renovation	3,125,000

(Total project all funding sources \$4,000,000)	
Stevens Point — Utility improvements	6,725,000
(Total project all funding sources \$7,725,000)	
Stout — Memorial Student Center renovation	18,000,000
Whitewater — Fisher and Wellers halls renovation	8,584,000
3. <i>Projects financed by existing program revenue supported borrowing authority:</i>	
Platteville — Storage facility	1,416,000
(Total project all funding sources \$1,700,000)	
4. <i>Projects financed by program revenue:</i>	
La Crosse — Residence hall	5,000,000
(Total project all funding sources \$49,500,000)	
Madison — Gordon Commons relocation, parking, and offices — Phases 1 and 2	1,000,000
(Total project all funding sources \$41,305,000)	
— Lakeshore Residence Hall and food service	1,688,000
(Total project all funding sources \$59,463,000)	
River Falls — Hagestad Hall renovation	875,000
(Total project all funding sources \$4,000,000)	
5. <i>Projects financed by building trust funds:</i>	
Eau Claire — Education building	500,000
(Total project all funding sources \$44,500,000)	
6. <i>Projects financed by gifts, grants, and other receipts:</i>	
Madison — Agricultural research station renovations — Various locations Phase 1	5,800,000
— Gordon Commons relocation, parking, and offices — Phases 2 and 3	2,762,000
(Total project all funding sources \$41,305,000)	
— Kohl Center hockey facility addition	27,787,000
— Science museum	5,092,000
— Tandem Press relocation	4,616,000
— West campus athletic facilities	3,973,500
(Total project all funding sources \$7,947,000)	
— Wisconsin Energy Institute	50,000,000
(Total project all funding sources \$100,000,000)	
— Wisconsin Institutes for Medical Research	67,400,000
(Total project all funding sources \$134,800,000)	
Platteville — Stadium locker room expansion	1,000,000
— Williams Field House addition	7,200,000
(Total project all funding sources \$11,700,000)	
River Falls — Ramer Field renovation	3,487,000
(Total project all funding sources \$3,987,000)	
7. <i>Agency totals:</i>	
General fund supported borrowing	245,632,000
Existing general fund revenue supported borrowing authority	1,789,000
Program revenue supported borrowing	494,014,100
Existing program revenue supported borrowing authority	1,416,000
Program revenue	8,563,000
Building trust funds	500,000
Gifts, grants, and other receipts	<u>179,117,500</u>
Total — All sources of funds	\$ 931,031,600
(h) AIDS NETWORK	

1. <i>Projects financed by general fund supported borrowing:</i>	
Facilities renovation — Madison	\$ 300,000
2. <i>Agency totals:</i>	
General fund supported borrowing	<u>300,000</u>
Total — All sources of funds	\$ 300,000
(i) AIDS RESOURCE CENTER OF WISCONSIN	
1. <i>Projects financed by general fund supported borrowing:</i>	
Facilities renovation — Green Bay, Milwaukee, or Kenosha	\$ 800,000
2. <i>Agency totals:</i>	
General fund supported borrowing	<u>800,000</u>
Total — All sources of funds	\$ 800,000
(j) BRADLEY CENTER SPORTS AND ENTERTAINMENT CORPORATION	
1. <i>Projects financed by general fund supported borrowing:</i>	
Bradley Center Renovation	\$ 5,000,000
3. <i>Agency totals:</i>	
General fund supported borrowing	<u>5,000,000</u>
Total — All sources of funds	\$ 5,000,000
(k) DANE COUNTY YAHARA RIVER WATERSHED INITIATIVE	
1. <i>Projects financed by existing general fund supported borrowing authority:</i>	
2 anaerobic digesters	\$ 6,600,000
2. <i>Agency totals:</i>	
Existing general fund supported borrowing authority	<u>6,600,000</u>
Total — All sources of funds	\$ 6,600,000
(L) MADISON CHILDREN'S MUSEUM	
1. <i>Projects financed by general fund supported borrowing:</i>	
Madison Children's Museum renovation	\$ 250,000
2. <i>Agency totals:</i>	
General fund supported borrowing	<u>250,000</u>
Total — All sources of funds	\$ 250,000
(m) MYRICK HIXON ECO-PARK, INC.	
1. <i>Projects financed by general fund supported borrowing</i>	
Educational center	\$ 500,000
2. <i>Agency totals:</i>	
General fund supported borrowing	<u>500,000</u>
Total — All sources of funds	\$ 500,000
(n) CITY OF OSHKOSH	
1. <i>Projects financed by general fund supported borrowing:</i>	
Grand Opera House repair and restoration	\$ 500,000
(Total project all funding sources \$1,500,000)	
2. <i>Projects financed by gifts, grants, and other receipts:</i>	
Grand Opera House repair and restoration	1,000,000
Total—All sources of funds	\$ 1,500,000
3. <i>Agency totals:</i>	
General fund supported borrowing	500,000
Gifts, grants, and other receipts	<u>1,000,000</u>
Total—All sources of funds	\$ 1,500,000
(o) ALDO LEOPOLD NATURE CENTER, INC.	
1. <i>Projects financed by general fund supported borrowing:</i>	
Climate change classroom and interactive laboratory	\$ 500,000

(Total project all funding sources \$2,700,000)	
2. <i>Projects financed by gifts, grants, and other receipts:</i>	
Climate change classroom and interactive laboratory	2,200,000
(Total project all funding sources \$2,700,000)	
3. <i>Agency totals:</i>	
General fund supported borrowing	500,000
Gifts, grants, and other receipts	<u>2,200,000</u>
Total—All sources of funds	\$ 2,700,000
(p) CITY OF EAU CLAIRE	
1. <i>Projects financed by existing general fund supported borrowing authority:</i>	
L.E. Phillips Memorial Public Library remodeling	\$ 125,000
2. <i>Agency totals:</i>	
Existing general fund supported borrowing authority	<u>125,000</u>
Total—All sources of funds	\$ 125,000
(q) TOWN OF CHASE	
1. <i>Projects financed by building trust funds:</i>	
Stone Barn historic site restoration	\$ 100,000
(Total project all funding sources \$400,000)	
2. <i>Projects financed by gifts, grants, and other receipts:</i>	
Stone Barn historic site restoration	300,000
(Total project all funding sources \$400,000)	
3. <i>Agency totals:</i>	
Building trust funds	100,000
Gifts, grants, and other receipts	<u>300,000</u>
Total—All sources of funds	\$ 400,000
(r) ALL AGENCY PROJECT FUNDING	
1. <i>Projects financed by general fund supported borrowing:</i>	
Capital equipment acquisition	\$ 2,000,000
Facilities maintenance and repair	114,000,000
(Total program all funding sources \$145,650,600)	
Health, safety, and environmental protection	20,000,000
(Total program all funding sources \$20,314,600)	
Land and property acquisition	2,000,000
(Total program all funding sources \$2,159,000)	
Preventive maintenance	3,000,000
Programmatic remodeling and renovation	7,000,000
(Total program all funding sources \$15,894,500)	
Utilities repair and renovation	52,000,000
(Total program all funding sources \$68,987,400)	
2. <i>Projects financed by existing general fund supported borrowing authority — Stewardship property development and local assistance funds:</i>	
Facilities maintenance and repair	1,605,400
(Total program all funding sources \$145,650,600)	
3. <i>Projects financed by program revenue supported borrowing:</i>	
Energy conservation	50,000,000
Facilities maintenance and repair	17,415,000
(Total program all funding sources \$145,650,600)	
Health, safety, and environmental protection	314,600
(Total program all funding sources \$20,314,600)	
Land and property acquisition	159,000

(Total program all funding sources \$2,159,000)	
Programmatic remodeling and renovation	7,550,500
(Total program all funding sources \$15,894,500)	
Utilities repair and renovation	12,948,900
(Total program all funding sources \$68,987,400)	
4. <i>Projects financed by segregated fund supported borrowing:</i>	
Facilities maintenance and repair	2,330,700
(Total program all funding sources \$145,650,600)	
5. <i>Projects financed by segregated fund supported revenue borrowing:</i>	
Facilities maintenance and repair	3,021,200
(Total program all funding sources \$145,650,600)	
6. <i>Projects financed by program revenue:</i>	
Facilities maintenance and repair	6,958,000
(Total program all funding sources \$145,650,600)	
Programmatic remodeling and renovation	1,094,000
(Total program all funding sources \$15,894,500)	
Utilities repair and renovation	4,038,500
(Total program all funding sources \$68,987,400)	
7. <i>Projects financed by gifts, grants, and other receipts:</i>	
Programmatic remodeling and renovation	250,000
(Total program all funding sources \$15,894,500)	
8. <i>Projects financed by federal funds:</i>	
Facilities maintenance and repair	320,300
(Total program all funding sources \$145,650,600)	
9. <i>All agency totals:</i>	
General fund supported borrowing	200,000,000
Existing general fund supported borrowing authority — Stewardship property development and local assistance funds	1,605,400
Program revenue supported borrowing	88,388,000
Segregated fund supported borrowing	2,330,700
Segregated fund supported revenue borrowing	3,021,200
Program revenue	12,090,500
Gifts, grants, and other receipts	250,000
Federal funds	320,300
Total — All sources of funds	308,006,100
(s) SUMMARY	
Total general fund supported borrowing	513,632,100
Total existing general fund supported borrowing authority	26,367,400
Total existing general fund supported borrowing authority — Stewardship property development and local assistance funds	12,056,300
Total program revenue supported borrowing	633,764,600
Total existing program revenue supported borrowing authority	3,416,000
Total segregated fund supported borrowing	7,978,300
Total segregated fund supported revenue borrowing	6,981,100
Total program revenue	20,653,500
Total building trust funds	600,000
Total gifts, grants, and other receipts	190,036,000
Total federal funds	89,448,400
Total — All sources of funds	\$ 1,504,933,700

(2) PROGRAMS PREVIOUSLY AUTHORIZED. In addition to the projects and financing authority enumerated in

subsection (1), the building and financing authority enu-

merated in the previous state building program is continued in the 2009–11 fiscal biennium.

(3) **LOANS.** During the 2009–11 fiscal biennium, the building commission may make loans from general fund supported borrowing or the building trust fund to state agencies, as defined in section 20.001 (1) of the statutes, for projects that are to be utilized for programs not funded by general purpose revenue and that are authorized under subsection (1).

(4) **ADJUSTMENT OF TOTALS.**

(a) In the 2005–07 Authorized State Building Program, the appropriate totals are adjusted to reflect the changes made by SECTIONS 3406m, 3406n, and 3406p of this act.

(b) In the 2007–09 Authorized State Building Program, the appropriate totals are adjusted to reflect the changes made by and SECTIONS 3409n and 3409p of this act.

(5) **2003–05 AUTHORIZED STATE BUILDING PROGRAM DELETIONS.**

(a) In 2003 Wisconsin Act 33, section 9106 (1) (c) 1., under projects financed by general fund supported borrowing for the department of military affairs, the 2003–05 Authorized State Building Program project designated as “Repair and expansion of helicopter parking and taxiways — Madison” is deleted and the appropriate totals are adjusted accordingly.

(b) In 2003 Wisconsin Act 33, section 9106 (1) (c) 2., under projects financed by federal funds for the department of military affairs, the 2003–05 Authorized State Building Program project identified as “Repair and expansion of helicopter parking and taxiways — Madison” is deleted and the appropriate totals are adjusted accordingly.

(c) In 2003 Wisconsin Act 33, section 9106 (1) (d) 1., under projects financed with existing general fund supported borrowing authority — stewardship property development and local assistance funds for the department of natural resources, the 2003–05 authorized State Building Program project identified as “Rib Mountain State Park water supply system replacement” is deleted and the appropriate totals are adjusted accordingly.

(6) **2005–07 AUTHORIZED STATE BUILDING PROGRAM DELETIONS.**

(a) In 2005 Wisconsin Act 25, section 9105 (1) (c) 1., under projects financed by general fund supported borrowing for the department of military affairs, the 2005–07 Authorized State Building Program project identified as “Field maintenance shop renovation/addition — Wausau” is deleted and the appropriate totals are adjusted accordingly.

(b) In 2005 Wisconsin Act 25, section 9105 (1) (c) 2., under projects financed by federal funds for the department of military affairs, the 2005–07 Authorized State Building Program project identified as “Field maintenance

shop renovation/addition — Wausau” is deleted and the appropriate totals are adjusted accordingly.

(c) In 2005 Wisconsin Act 25, section 9105 (1) (h) 1., under projects financed by general fund supported borrowing for the University of Wisconsin System at the University of Wisconsin–Milwaukee, the 2005–07 Authorized State Building Program project identified as “Columbia St. Mary’s Columbia campus medical facilities acquisition and remodeling” is deleted and the appropriate totals are adjusted accordingly.

(d) In 2005 Wisconsin Act 25, section 9105 (1) (h) 1., under projects financed by general fund supported borrowing for the University of Wisconsin System at the University of Wisconsin–Stevens Point, the 2005–07 Authorized State Building Program project identified as “Waste Management laboratory” is deleted and the appropriate totals are adjusted accordingly.

(e) In 2005 Wisconsin Act 25, section 9105 (1) (h) 3., under projects financed by program revenue supported borrowing for the University of Wisconsin system at the University of Wisconsin–Milwaukee, the 2005–07 Authorized State Building Program project identified as “Columbia St. Mary’s Columbia campus medical facilities acquisition and remodeling” is deleted and the appropriate totals are adjusted accordingly.

(7) **WISCONSIN ENERGY INSTITUTE.** Notwithstanding subsection (1) (g) 1., if the Building Commission determines that this state has received federal funds distributed to this state under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) to finance the project identified as the “Wisconsin Energy Institute” at the University of Wisconsin–Madison, the amount of the project to be funded from general fund supported borrowing and the amount of the project to be funded from gifts, grants, and other receipts are decreased by equal amounts to offset the total amount of federal funds received by this state under that act for that project, as determined by the commission.

(8) **AIDS NETWORK, INC.** Notwithstanding section 13.48 (39) (b) of the statutes, as created by this act, the building commission shall not make a grant to the AIDS Network, Inc., for construction and renovation of facilities and purchase of equipment, as enumerated in subsection (1) (h), under section 13.48 (39) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(9) **AIDS RESOURCE CENTER OF WISCONSIN, INC.** Notwithstanding section 13.48 (40) (b) of the statutes, as created by this act, the building commission shall not make a grant to the AIDS Resource Center of Wisconsin,

Inc., for construction and renovation of facilities in the cities of Green Bay, Milwaukee, or Kenosha and purchase of equipment, as enumerated in subsection (1) (i), under section 13.48 (40) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding section 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(10) BRADLEY CENTER SPORTS AND ENTERTAINMENT CORPORATION. Notwithstanding section 13.48 (41) (b) of the statutes, as created by this act, the building commission shall not make a grant to the Bradley Center Sports and Entertainment Corporation for capital maintenance and repair of its sports and entertainment facility, as enumerated in subsection (1) (j), under section 13.48 (41) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(11) DANE COUNTY YAHARA RIVER WATERSHED PROJECT. Notwithstanding section 13.48 (43) (b) of the statutes, as created by this act, the building commission shall not make a grant to Dane County for construction of anaerobic digesters for the Dane County Yahara River Watershed Project, as enumerated in subsection (1) (k), under section 13.48 (43) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(12) MADISON CHILDREN'S MUSEUM. Notwithstanding section 13.48 (42) (b) of the statutes, as created by this act, the building commission shall not make a grant to the Madison Children's Museum for construction of a museum facility in Madison, as enumerated in subsection (1) (L), under section 13.48 (42) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(13) MILWAUKEE INITIATIVE. Notwithstanding section 18.04 (1) and (2) of the statutes, no public debt authorized for the Milwaukee initiative in section 20.866 (2) (s) 1., as created by this act, may be contracted until the board of regents of the University of Wisconsin System has approved an expenditure plan for the Milwaukee initiative that includes the identification of specific projects

and sources of funding and the identified projects are enumerated pursuant to section 20.924 (1) (b) of the statutes.

(14) UTILITY IMPROVEMENTS AT UNIVERSITY OF WISCONSIN-MADISON CAMPUS. Notwithstanding section 18.04 (1) and (2) of the statutes, \$38,470,600 in public debt authorized for the utility improvements at the University of Wisconsin-Madison campus, as enumerated in subsection (1) (g) 1., may not be contracted until after June 30, 2011.

(15) WISCONSIN INSTITUTES FOR MEDICAL RESEARCH. Notwithstanding section 18.04 (1) and (2) of the statutes, \$67,400,000 in public debt authorized for the Wisconsin Institutes for Medical Research, as enumerated in subsection (1) (g) 1., may not be contracted until after June 30, 2011.

(16) MYRICK HIXON ECO-PARK, INC. Notwithstanding section 13.48 (44) (b) of the statutes, as created by this act, the building commission shall not make a grant to Myrick Hixon EcoPark, Inc., to aid in the construction of an educational center facility in the city of La Crosse, as enumerated in subsection (1) (m), under section 13.48 (44) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(17) JOINT MUSEUM FACILITY. From the appropriation account under section 20.867 (2) (r) of the statutes, the building commission shall allocate \$4,000,000 to conduct planning, programming, and site identification for a joint museum facility to serve the state historical society and the department of veterans affairs.

(18) SUPPLEMENTATION OF FUNDING FOR UNIVERSITY OF WISCONSIN ACADEMIC BUILDINGS. Notwithstanding section 20.924 (1) of the statutes, the building commission may supplement the authorized amount of financing for any or all of the projects identified in 2007 Wisconsin Act 20, section 9105 (1) (j) as "La Crosse — Academic building," "Oshkosh — Academic building," and "Parkside — Communications Arts Center" with not more than a total of \$3,000,000 from unallocated existing general fund supported borrowing authorized under section 20.866 (2) (s) of the statutes, as affected by this act, in the amounts determined by the commission. Moneys used to supplement the projects shall be a first draw from excess building authority under section 20.866 (2) (s) of the statutes, as affected by this act, under the 2009-11 authorized state building program that first comes available on or after the effective date of this subsection, as determined by the building commission.

(19) CITY OF БЕЛОIT ТURTLE ISLAND PARK RESTORATION. From the appropriation account under section 20.867 (2) (q) of the statutes, the building commission

shall allocate \$35,000 for a grant to the city of Beloit to be used for restoration of Turtle Island Park under section 13.48 (39g) of the statutes, as created by this act.

(20) WISCONSIN RAPIDS ARMORY. Notwithstanding section 18.04 (1) and (2) of the statutes, \$13,000,000 in public debt authorized for the Wisconsin Rapids Armory, as enumerated in subsection (1) (c) 1., may not be contracted until federal funding is available for the project or until after June 30, 2011, whichever is earlier.

(21) UNIVERSITY OF WISCONSIN-EAU CLAIRE EDUCATION BUILDING. Notwithstanding section 18.04 (1) and (2) of the statutes, \$44,000,000 in public debt authorized for the University of Wisconsin-Eau Claire education building, as enumerated in subsection (1) (g) 1., may not be contracted until after June 30, 2011.

(22) GRAND OPERA HOUSE IN OSHKOSH. Notwithstanding section 13.48 (39c) (b) of the statutes, as created by this act, the building commission shall not make a grant to the city of Oshkosh to aid in the repair and restoration of the Grand Opera House in the city of Oshkosh, as enumerated in subsection (1) (n), under section 13.48 (39c) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(23) ALDO LEOPOLD CLIMATE CHANGE CLASSROOM AND INTERACTIVE LABORATORY. Notwithstanding section 13.48 (39d) (b) of the statutes, as created by this act, the building commission shall not make a grant to the Aldo Leopold Nature Center, Inc., to aid in the construction of a climate change classroom and interactive laboratory that will border the cities of Madison and Monona, as enumerated in subsection (1) (o), under section 13.48 (39d) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(24) L. E. PHILLIPS MEMORIAL PUBLIC LIBRARY. Notwithstanding section 13.48 (39e) (b) of the statutes, as created by this act, the building commission shall not make a grant to the city of Eau Claire to aid in the remodeling of the L. E. Phillips Memorial Public Library in the city of Eau Claire, as enumerated in subsection (1) (p), under section 13.48 (39e) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(25) STONE BARN HISTORIC SITE IN THE TOWN OF CHASE.

(a) Notwithstanding section 13.48 (39f) (a) of the statutes, as created by this act, the building commission shall not make a grant to the town of Chase to aid in the restoration of the Stone Barn historic site in the town of Chase, as enumerated in subsection (1) (q), under section 13.48 (39f) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(b) From the appropriation account under section 20.867 (2) (q) of the statutes, the building commission shall allocate \$100,000 for the grant under section 13.48 (39f) (a) of the statutes, as created by this act.

(25f) STUDY OF EXPANDING ACCESS TO DENTAL EDUCATION. From the appropriation under section 20.867 (2) (q) of the statutes, the Building Commission shall allocate \$500,000 to conduct a study of the state's role in expanding access to dental education with a particular emphasis on increasing dental care in rural and underserved areas, including an examination of the possibility of construction of a new dental school in the city of Marshfield.

(26q) SCHOOL OF NURSING AT UNIVERSITY OF WISCONSIN-MADISON. From the appropriation under section 20.867 (2) (r) of the statutes, the building commission shall allocate \$2,004,000 to conduct planning for a School of Nursing facility to be constructed at the University of Wisconsin-Madison in preparation for possible enumeration of the facility in the 2011-13 Authorized State Building Program. If the Board of Regents of the University of Wisconsin System allocates \$1,002,000 from the appropriation under section 20.285 (1) (j) of the statutes for the same purpose, the building commission shall also use those moneys for planning of the facility.

SECTION 9108. Nonstatutory provisions; Children and Families.

(1) RELEASE OF SUPPORT ASSIGNMENTS. Any right to unpaid amounts of support or maintenance accrued at the time of application for kinship care payments, long-term kinship care payments, Wisconsin Works benefits, or caretaker supplement payments that is assigned to the state under section 48.57 (3m) (b) 2., 2007 stats., or (3n) (b) 2., 2007 stats., 49.145 (2) (s), 2007 stats., or 49.775 (2) (bm), 2007 stats., shall be released to the person who assigned that right to the state.

(2) CHILD WELFARE PROVIDER RATE REGULATION.

(a) *Transition.* Notwithstanding section 49.343 (1g) and (1m) of the statutes, as affected by this act, for services provided beginning on January 1, 2010, and ending on December 31, 2010, a residential care center for children and youth, as defined in section 49.343 (1d) (d) of the statutes, as created by this act, and a group home, as

defined in section 49.343 (1d) (c) of the statutes, as created by this act, shall charge the same per client rate for its services as it charged for services provided on December 31, 2009, and a child welfare agency, as defined in section 49.343 (1d) (b) of the statutes, as created by this act, shall charge the same per client administrative rate, as defined in section 49.343 (1d) (a) of the statutes, as created by this act, for the administrative portion of the foster care services to which section 49.343 of the statutes, as affected by this act, applies as it charged for the administrative portion of those services on December 31, 2009.

(b) *Rules.*

1. 'Permanent rules.' The department of children and families shall submit in proposed form the rules required under section 49.343 (4) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this subdivision.

2m. 'Emergency rules.' Notwithstanding section 227.24 of the statutes, the department of children and families may not promulgate the rules required under section 49.343 (4) of the statutes, as created by this act, as emergency rules.

(cm) *Joint legislative council study.* The joint legislative council shall study the implementation of the rate regulation system provided under section 49.343 of the statutes, as affected by this act. In studying the implementation of that system, the joint legislative council shall also study alternative methods of reducing the cost of out-of-home care placements for children. The joint legislative council shall report its findings, conclusions, and recommendations to the joint committee on finance by December 31, 2009.

(3) FOSTER CARE LEVELS OF CARE.

(a) *Transition.* Notwithstanding section 48.62 (1) of the statutes, as affected by this act, beginning on the date specified in the notice under section 48.62 (9) of the statutes, as created by this act, a person who on the day before that date is licensed to operate a treatment foster home under section 48.62 (1) (b), 2007 stats., is considered to be licensed to operate a foster home under section 48.62 (1) of the statutes, as affected by this act, for the remainder of the term of the treatment foster home license under section 48.66 (1) (c), 2007 stats., or 48.75 (1r), 2007 stats. Beginning on the date specified in the notice under section 48.62 (9) of the statutes, as created by this act, the department of children and families, the department of corrections, or a county department of human or social services shall reimburse a person who under this paragraph is considered to be licensed to operate a foster home at the appropriate rate determined by that department or county department under the rules promulgated by the department of children and families under section 48.62 (8) (c) of the statutes, as created by this act.

(b) *Rules.*

1. 'Permanent rules.' The department of children and families shall submit in proposed form the rules required under section 48.62 (8) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 3rd month beginning after the effective date of this subdivision.

2m. 'Emergency rules.' Notwithstanding section 227.24 of the statutes, the department of children and families may not promulgate the rules required under section 48.62 (8) of the statutes, as created by this act, as emergency rules.

(cm) *Review by joint committee on finance.* By December 1, 2009, the department of children and families shall submit to the joint committee on finance a detailed plan for the implementation of the rules promulgated under section 48.62 (8) of the statutes, as created by this act. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of submittal of the plan, the department may implement those rules. If, within 14 working days after the date of submittal of the plan, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement those rules only upon approval of the committee.

(dm) *Evaluation.* The department of children and families shall evaluate the foster care system implemented under the rules promulgated under section 48.62 (8) of the statutes, as created by this act. That evaluation shall include an evaluation of the cost effectiveness of that system, its consistency in placing children in foster homes that provide an appropriate level of care for those children, the outcomes for children placed in foster homes under that system, and the increase or decrease in the availability of foster homes at each level of care provided under that system as a result of implementation of that system. The department shall report its findings, conclusions, and recommendations to the governor and to the joint committee on finance by February 1, 2011.

(5) FOSTER PARENT TRAINING.

(a) *Rules.*

1. 'Permanent rules.' The department of children and families shall submit in proposed form the rules required under section 48.67 (4) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this subdivision.

2m. 'Emergency rules.' Notwithstanding section 227.24 of the statutes, the department of children and families may not promulgate the rules required under section 48.67 (4) of the statutes, as created by this act, as emergency rules.

(6) HOME VISITING SERVICES; RULES.

(a) *Permanent rules.* The department of children and families shall submit in proposed form the rules required under section 48.983 (2) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this paragraph.

(b) *Emergency rules.* Using the procedure under section 227.24 of the statutes, the department of children and families may promulgate the rules required under section 48.983 (2) of the statutes, as affected by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

(6f) BILL OF RIGHTS FOR FOSTER CHILDREN. Notwithstanding section 48.648 (2) of the statutes, as created by this act, by no later than the first day of the 3rd month beginning after the effective date of this subsection, the department of children and families, a county department of human services or social services, or a licensed child welfare agency shall provide a written copy of the foster children's bill of rights to all children who on the day before the effective date of this subsection were in a foster home placement under the care and placement responsibility of that department, county department, or child welfare agency.

(7f) CHILD CARE QUALITY RATING SYSTEM.

(a) *Review by joint committee on finance.* By June 30, 2011, the department of children and families shall submit to the joint committee on finance a specific plan for the implementation of the child care quality rating system under section 48.659 of the statutes, as created by this act. That plan shall include all of the following:

1. Various options for the design of the rating system. All of those options shall require the department to include in the rating system child care providers certified under section 48.651 of the statutes, as affected by this act.

2. Various options for quality assurance monitoring under the rating system.

3. Details of the estimated expenditures that will be made in providing the rating system, including the estimated expenditures that will be made for financial incentives to encourage child care providers to achieve a higher rating under the rating system.

4. The information and training that will be provided to child care providers participating in the rating system. That information and training shall include specific steps

for quality improvement, which steps may not be limited merely to new licensure or certifications requirements.

5. A description of how the rating system will ensure that the quality rating information provided under the rating system will be made accessible, and presented in a way that is useful, to the child care providers that are rated under the rating system and the parents, guardians, and legal custodians of children who are recipients, or prospective recipients, of care and supervision from those providers.

6. The process for ongoing evaluation of the rating system. That process shall require the department to consider the input of child care providers and other participants in the programming provided of child care providers.

7. Any other information that is relevant to the implementation and administration of the rating system.

(b) *Implementation of rating system.* If the cochairpersons of the joint committee on finance do not notify the department of children and families that the committee has scheduled a meeting for the purpose of reviewing the plan submitted under paragraph (a) within 14 working days after the date of submittal of the plan, the department may implement the child care quality rating system under section 48.659 of the statutes, as created by this act, as provided in the plan. If, within 14 working days after the date of submittal of the plan, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement that rating system only upon approval of the committee.

(8c) CONTRACT PROVISION REGARDING FEDERAL MATCHING FUNDS FOR CHILD SUPPORT INCENTIVE PAYMENTS. The department of children and families shall include in each contract with a county child support agency under section 59.53 (5) of the statutes that commences on January 1, 2011, a provision that specifies that, if federal legislation is enacted on or after the date on which the contract commences that provides for the matching of federal funds for federal child support incentive payments at a rate of 66 percent or more, the department will not pay any general purpose revenue from the appropriation under section 20.437 (2) (bc) of the statutes, as created by this act, for state child support incentive payments beginning on the effective date of the federal legislation.

(8f) TRANSFER OF CHILD CARE SUBSIDY PROGRAM ADMINISTRATIVE FUNCTIONS.

(a) *Definitions.* In this subsection:

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

2. "County department" means the county department of social services under section 46.215 of the statutes in the county.

3. "Department" means the department of children and families.